
Appeal Decision

Site visit made on 6 September 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

Appeal Ref: APP/P0240/D/16/3155509

79 Townfield Road, Flitwick MK45 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/01118/FULL, dated 9 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is first floor extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension and garage conversion at 79 Townfield Road, Flitwick MK45 1JG in accordance with the terms of the application, Ref CB/16/01118/FULL, dated 9 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; 1652-SU-001; and 1652-PL-010.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of 77 Townfield Road with particular regard to sunlight and outlook.

Reasons

3. The appeal property is a two storey semi-detached dwelling located within a wider residential area. The proposal seeks to erect a first floor rear extension above part of an existing rear ground floor extension and to convert, extend and raise the roof height of an existing garage building. The first floor rear extension would sit tight to the boundary with 77 Townfield Road and would increase the height of the existing boundary wall, formed by the flank wall of the single storey rear extension, by approximately 2.2 metres (m). The first floor rear extension would extend approximately 2.1m from the rear elevation of the appeal property.
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4. The Council raises the concern that the size, height and siting of the first floor rear extension would cause a harmful level of overshadowing to the rear French door, kitchen window and garden of 77 Townfield Road and would result in an overbearing form of development for the occupiers of this property.
5. With regard to overshadowing, the appeal property lies to the immediate north of No 77. Given this relationship between the appeal property and No 77 and given that the sun travels in an east to west direction, I consider that it is highly unlikely that the first floor rear extension would cause any overshadowing of any doors, windows or the garden of No 77, even if it would intersect a 45 degree angle from the mid point of the French door.
6. Turning to matters of outlook, the first floor rear extension would extend only a modest distance from the rear elevation of the appeal property and would not, in my opinion, obstruct any views obtained by the occupiers of No 77 down their garden from any rear facing windows of their property, including the northernmost first floor rear window. In addition, I observed that the rear French door was obscure glazed and therefore no views through the glazing of this door could be obtained in any case.
7. I also observed that the rear garden of No 77 was generous in size and length. Whilst the Council states that the garden of No 77 is set at a lower level than the garden of the appeal property, I observed no such obvious level changes between these gardens. As a result of these factors, combined with the modest distance the first floor rear extension would extend along the shared boundary, I do not consider that it would appear overbearing for the occupiers of No 77, notwithstanding the increase in height.
8. I therefore conclude that the size, height and siting of the first floor rear extension would not result in harm to the living conditions of the occupiers of No 77 in respect of sunlight or outlook and would not detrimentally affect their enjoyment of their home or garden.
9. The proposal would therefore comply with Policy DM3- High Quality Development, of the Central Bedfordshire Core Strategy and Development Management Policies 2009, that requires, amongst other things, development to respect the amenity of surrounding properties. The proposal would also comply with the broad aims and objectives of the National Planning Policy Framework that seeks planning to secure a good standard of amenity for all existing occupiers of land and buildings.
10. The proposal would also comply with the guidance of the Central Bedfordshire Design Guide 2014, which advises, amongst other things, that extensions should not be overbearing to neighbours or result in an unacceptable loss of sunlight.

Other matters

11. I acknowledge the concerns of the occupiers of No 81, including in respect of the effects on sunlight, outlook and drainage, as a result of the proposed garage alterations. However, the Council has not raised any concerns on living conditions grounds beyond the effects the first floor rear extension element of the proposal would have on the occupiers of No 77. Based on the evidence before me, my own observations and given that the proposed increase in height of the garage structure would be modest and that the roof would slope

away from the shared boundary, I am satisfied that the living conditions of the occupiers of No 81 would be maintained in respect of sunlight and outlook. With regard to drainage, this was not raised as a concern by the Council and I have not been provided with any substantive evidence to demonstrate that drainage could not be adequately achieved within the confines of the appeal site that would lead me to conclude otherwise.

12. The Council, on its decision notice, makes reference to the unsympathetic design of the first floor rear extension. Nevertheless, it is clear from the Council's officer's report that the Council considers there would be no harm to the character and appearance of the area. I also consider that as it would sit below the ridge height, would extend only a modest distance from the rear elevation and would be constructed in materials to match the appeal property, it would be an appropriate addition to the appeal property in this regard.

Conditions

13. I have had regard to the conditions suggested by the Council. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. I also agree that a condition relating to materials is necessary in the interests of character and appearance.

Conclusion

14. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR