

## Appeal Decision

Site visit made on 13 September 2016

**by Anthony Lyman BSC (Hons) DipTP MRTPI**

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

**Decision date: 22 September 2016**

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**Appeal Ref: APP/P4415/D/16/3156373**

**9 Coppice Gardens, Munsbrough, Rotherham, South Yorkshire, S61 4RE**

- 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 Jeffrey McGovern against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref RB2016/0376, dated 21 March 2016, was refused by notice dated 5 May 2016.
  - The development proposed is a first floor extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue to be considered is the effect of the proposed extension on the living conditions of the occupants of Nos.7 and 11 Coppice Gardens with regard to potential overbearing appearance, loss of sunlight and loss of privacy.

### Reasons

3. The appeal property is a three bedroom detached house on a tight knit, modern housing development of similar dwellings, semi-detached houses and bungalows. The house presents a narrow gable facade to the road, and is sited on the inside of a bend in Coppice Gardens. Consequently, the adjacent property at No.11 is at right angles to the appellant's house with its garden running alongside the rear boundary fence of the appeal property. The majority of the appellant's outdoor amenity space is to the side of the appeal dwelling.
  4. A single storey rear extension under a pitched roof has been erected across the full width of the house in accordance with planning permission granted in the early nineties. The proposal is to erect above the single storey addition a first floor extension under a dual pitched roof with the same roof design and ridge height as the existing dwelling. The extension would be in proportion with, and would not dominate the host dwelling, and would have little impact on the street scene. In these respects, it would not conflict with the sustainable design principles of Policy CS28 of Rotherham Local Plan Core Strategy, and would accord with the design guidance for two storey rear extensions given in the Council's Interim Planning Guidance 'Householder Design Guide' (IPG).
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5. The appellant's house is set considerably further back from the street than the adjacent No.7 Coppice Gardens. Consequently, the house extends beyond the adjacent rear elevation, thereby overshadowing the neighbour's conservatory and part of the rear garden which lie to the north of the appeal dwelling. The Council argue that the proposed 2.5m deep first floor extension would appear overbearing from the neighbour's property and cause further loss of sunlight. Given that the existing extension has a mono pitch roof which presents a side elevation to the neighbouring property, the proposed first floor addition would not have a significantly greater impact on the residential amenity of the occupants of No.7 Coppice Gardens.
6. According to the planning officer's report, the rear wall of proposed extension would be between 1.4 and 3.6m from the side boundary to the rear garden of No.11, although the nearest part of the dog-leg boundary is adjacent to the neighbour's garage. These distances are considerably less than the 10m separation advocated in the Council's IPG. Nevertheless, the original rear elevation of the house is less than 10m from the common boundary, and the existing extension, albeit single storey and predating the IPG, was approved at the same distance from the boundary as the proposed first floor extension. On my site visit I noted that in this relatively tight knit development, rear gardens are relatively small and the surrounding dwellings create a sense of enclosure with a degree of overlooking between the upper rear windows of houses and nearby gardens. In these circumstances, and in view of the 'side-on' orientation of the neighbouring property, I consider that the proposed first floor extension would not appear unduly overbearing when viewed from No.11 Coppice Gardens.
7. One of the two windows in the rear elevation of the proposal would serve a bathroom and appears on the plans as being obscure glazed. The other window would serve a bedroom. In such close proximity to the common boundary, the window would overlook the rear garden to No.11 resulting in an unacceptable loss of privacy for the neighbours. This would be contrary to the provisions of the IPG which, amongst other things, advocates that extensions should not give rise to any overlooking/privacy issues.
8. The Council have suggested a condition requiring this window to be obscure glazed with any opening restricted to 1.7m above floor level. The appellant, in the grounds of appeal, has also suggested that the window could be obscure glazed. However, this would be the only window to a habitable room, and the obscure glazing and restricted opening would provide unsatisfactory living conditions for the occupant. This would be contrary to one of the core planning principles of the National Planning Policy Framework which requires a good standard of amenity for all existing and future occupants of land and buildings.
9. Alternatively, the appellant has suggested that the window could be relocated to the side elevation overlooking his own garden. This would provide acceptable living conditions for the occupant of the habitable room and would largely eliminate overlooking of the neighbour's property. However, as this is not something on which the Council have had the opportunity to comment and is not shown on the submitted plans, the alternative location for the window is not before me to take into account in this appeal.

## **Conclusion**

10. For the reasons given above, I am satisfied that the proposed extension would not appear overbearing when viewed from either of the neighbouring properties and would not cause a significant increase in overshadowing. However, the bedroom window in the rear elevation of the extension would afford unacceptable overlooking of No. 11 Coppice Gardens. Therefore, for the reasons given the appeal is dismissed.

*Anthony Lyman*

INSPECTOR