
Appeal Decision

Site visit made on 6 September, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 6th October, 2016

Appeal Ref: APP/W0530/W/16/3152955

36 Church Street, Stapleford, Cambridge, Cambs, CB22 5DS

- 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 Mrs Yvonne Fishendon against the decision of South Cambridgeshire District Council.
 - The application Ref S/0355/16/FUL, dated 8 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is alterations to existing detached annexe by raising the roof over part of its length.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to existing detached annexe by raising the roof over part of its length at 36 Church Street, Stapleford, Cambridge, Cambs, CB22 5DS in accordance with the terms of the application, Ref S/0355/16/FUL, dated 8 February 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect on the living conditions of the occupier of 1 Cox's Close in respect of outlook and light.

Reasons

3. No. 36 Church Street is a substantial, two-storey house in traditional style. The appeal structure is an unassuming former garage set to the side and rear of the main dwelling and in its rear garden. It also partially flanks the adjoining bungalow at no. 1 Cox's Close and partially adjoins an area of parking and publicly accessible open space. It is a single storey building, orientated nearly north-south, and with a simple pitched, gabled roof, with dormers serving accommodation in the roof space and facing into the garden of the host building.
 4. While on site I was able to view the appeal site from the adjacent property at no. 1 Cox's Close. A small courtyard which comprises the outdoor amenity space for this dwelling sits between it and flank of the appeal structure to the east, with a low wall to the front. Two bedroom windows of no. 1 face onto the courtyard, while the living room faces west onto Cox's Close.
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5. The proposed roof alterations would raise the height of the annexe roof at ridge and eaves for under half of its length, affecting the northern section which adjoins the public open space. These changes would leave the roof adjoining no. 1 Cox's Close in its original configuration.
6. The alterations would create a small addition at ridge height, although they would involve building up the flank walls to a raised eave height and flattening the roof pitch. The altered roof would have a simple pitched profile at the front, retaining the existing profile at the back. As this partial alteration would not be on the part of the roof which directly adjoins no. 1 Cox's Close, as a result, although visible from the courtyard of no. 1, the additional height and bulk would be offset from, and unlikely to be unduly overbearing in views out of the courtyard. It would not therefore have a significantly harmful effect on the outlook from that property.
7. The appeal structure sits to the east of no. 1, which it clearly pre-dates. It therefore already occludes morning sunlight from the courtyard, but is low enough not to prevent sunlight entering it later in the day, before it is shaded by no.1 itself. The orientation of the appeal structure means that the alterations to the roof would be set to the north of no.1 and would not therefore be capable of having a significant effect on levels of sunlight reaching the courtyard and bedroom windows of no. 1.
8. Set between two buildings, and enclosed by a further structure to the south, the courtyard is not particularly open, except to the north, and current daylight levels in it reflect this. However, the addition of some height to the adjoining appeal structure at roof level would be beyond the boundary with the courtyard and to its north, and not therefore likely to have a significant effect on levels of daylight reaching it.
9. I appreciate and have taken account of the concerns expressed at the potential effects of loss of light on the occupier of no. 1 who is partially sighted. However, as I have concluded that the appeal proposal would not have a significant effect on levels of light reaching the eastern side of her dwelling, this is not a factor which causes me to change my decision.
10. I note also concern that the solar panels on the eastern roof slope of no. 1 would be affected, but since they are at roof level adjoining a section of the roof of the appeal structure which will remain unaltered, they are not likely to be significantly affected by this proposal.
11. The appeal proposal would not, therefore, have a significant impact on the living conditions of the occupier of no. 1 Cox's Close, and would not conflict with Policy DP/3 of the South Cambridgeshire District Council, Local Development Framework, Development Control Policies, 2007, which seeks that development proposals should not have an unacceptable adverse impact on residential amenity.

Other Matters

12. This is a small roof extension to a small outhouse on a much larger site, which I do not therefore consider constitutes overdevelopment. The setback from the frontage of no. 36 means that its impact on the street scene of Church Street would be limited. It would be visible from the side along Cox's Close, but as a small roof extension which retains a simple, pitched roof form, and I do not

consider that it would have a harmful impact on the street scene when viewed from that street.

13. The officer's report also mentions the effect of the proposed development on the main dwelling, stating that it would be out of proportion with it, although this is not given as a reason for refusal. No. 36 is a substantial dwelling of three bays plus a side garage extension, with a high, and steep pitched roof containing dormers. It therefore has considerable presence in views along this part of Church Street. The modest nature of the appeal structure, minor increase in roof height brought about by the appeal proposal, and its setback from the front building line of no. 36, limit the likely effect of these changes on views of the main dwelling. Even with an eaves line raised to close to that of the host building, given the difference in their relative sizes I do not consider that the changes to the appeal structure would appear overbearing in relation to the host building.

Conclusion

14. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

15. I have taken note of the conditions suggested by both parties. For the avoidance of doubt a condition is added requiring implementation of the proposal in accordance with the approved plans. A condition requiring the construction of external surfaces in the approved materials is added to ensure a satisfactory appearance.
16. The appeal structure is provided with facilities which enable it to be occupied as self-contained accommodation, but shares access, parking and a garden with the main dwelling. The appellant has indicated that it enjoys lawful use as a granny annexe, permitted in 2002. Stapleford Parish Council has expressed its concern that the appeal property remains an annexe to the main building, and has suggested adding a condition, which the appellant is willing to accept, ensuring that the annexe will not be subsequently sold off or legally severed from the host property. As, however, this would not be necessary or relevant to the development permitted, and would not therefore meet the tests set out in the Framework, I have not done so.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 0413/6/B; and 0413/7/A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 0413/6/B.