
Appeal Decision

Site visit made on 25 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 28th October 2016

Appeal Ref: APP/P4415/D/16/3155653

108 Wickersley Road, Broom, Rotherham, S60 3PR

- 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 Stephen Gillatt against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0609, dated 8 May 2016, was refused by notice dated 1 August 2016.
 - The development proposed is demolition of conservatory, erection of single storey side and rear, and first floor side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the submitted appeal form as this is more precise than the description given in the application form.

Main Issue

3. The main issue is the effect of the proposed development upon living conditions of neighbouring occupants at No 106 Wickersley Road, in respect of privacy.

Reasons

4. No 108 Wickersley Road is a detached 2-storey dwelling. The proposed first floor side extension would create an additional bedroom which would be served by full length glazed patio doors and a Juliet balcony to the rear elevation.
 5. As No 108 is located within a predominantly residential area, there is an inevitable degree of overlooking between properties. However, at my site visit I saw that No 106 currently enjoys a reasonable level of privacy as windows serving habitable rooms at No 108 are located away from the shared flank boundary which limits views into its rear private garden. Windows in closest proximity to No 106 serve the landing and bathroom and are obscure glazed.
 6. The proposed extension would be located in close proximity to the boundary with No 106. No 106 benefits from a single storey side and rear extension, however the projection of proposed development would be more or less in line with this. I therefore consider that the patio doors and balcony at first floor level would give direct views into the rear private amenity area for this property. This would give rise to a serious adverse effect on privacy to the occupants at No 106.
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7. I note that the doors and balcony forms an integral part of the development and would be used as a means of escape for fire safety purposes. In any case, I do not consider that this harm would be overcome to any great effect were the development to incorporate a smaller clear glazed window in lieu of the doors and balcony. It has also been put to me that other dwellings in close vicinity to the appeal site have incorporated balconies, however no specific details are given and I did not see any such examples at my site visit. In any case, I have determined the appeal on its own merits.
8. Mindful that paragraph 17 of the National Planning Policy Framework (the Framework) aims to secure high quality design and a good standard of amenity for existing *and future* occupants [my emphasis], the harm I have identified would not be outweighed by the lack of objection by existing residents at No 106.
9. I also appreciate that adjacent trees may restrict light into the appeal property however, this does not form justification for a loss of privacy currently enjoyed by neighbouring occupants at No 106.
10. I therefore conclude that the proposed development would harm the living conditions of occupants at No 106 Wickersley Road, due to a loss of privacy. This would be contrary to paragraph 17 of the Framework, and would not accord with the guidance set out in respect of protecting privacy within the Council's adopted interim Planning Guidance 'Householder Design Guide' (2014).

Conclusion

11. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR