
Appeal Decision

Site visit made on 1 November 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 29 November 2016

Appeal Ref: APP/E0915/D/16/3159261

Kinsale, Harraby Grove, Carlisle, Cumbria, CA1 2QN

- 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 I Johnston against the decision of Carlisle City Council.
 - The application Ref 16/0417, dated 11 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is a first floor extension over existing garage to provide a bedroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on: the living conditions of neighbouring residents, with particular reference to outlook, light and privacy; as well as, the character and appearance of the appeal property and its surroundings.

Reasons

Living conditions

3. Kinsale is a detached house, which fronts onto the northwestern side of Harraby Grove. It has a single-storey annexe which projects from the 2-storey front wall of the dwelling and contains a garage for the most part. This annexe aligns with the northeastern side wall of the main building and extends part way across its front elevation.
 4. The appeal property shares its southwestern side boundary with South View, another detached house. The front building line of Kinsale's front annexe projects forward beyond the 2-storey front building line of this neighbouring property by a short distance. The northeastern side wall of South View contains a number of windows, including a kitchen window at ground floor level which faces towards the southwestern side elevation of Kinsale's front annexe.
 5. The proposal involves the addition of a first floor extension above the appeal property's front annexe to provide a bedroom. The proposal would be sited to the northeast of South View's facing kitchen window and so would be unlikely to reduce the sunlight that it receives. Nevertheless, due to its close proximity, length and height, the extended front annexe would be likely to limit the
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daylight received by that neighbouring habitable room window and greatly reduce the outlook from it. It would be likely to significantly increase the sense of enclosure experienced by residents of that neighbouring property when using their kitchen. I regard it as overdominant and unneighbourly.

6. The proposed bedroom would be served by 2 windows, one of which would provide views towards the kitchen window of South View. As it is shown on the application plans, the proposal would significantly increase the potential for overlooking of that kitchen window, which is not directly overlooked at present. This would harm the privacy of the residents of that neighbouring property. However, it would be possible to adequately safeguard the privacy of the residents of South View, through the imposition of a condition that requires the proposed side facing window to be glazed with obscured glass and fixed shut. Under these circumstances, the effect on the privacy of the residents of South View would not be unacceptable.
7. The appeal property shares its northeastern side boundary with Beech House, which is similar in design to Kinsale, with a single-storey front annexe. The 2-storey front wall of that building includes 2 bedroom windows at first floor level, one of which is positioned close to the boundary shared with Kinsale. The outlook from that window is likely to benefit from existing views over the roof of the appeal property's annexe. Due to its close proximity, forward projection and height, the proposed extension would noticeably reduce the outlook from that neighbouring bedroom, appearing unduly dominant when seen from there.
8. Whilst acceptable in terms of privacy, I conclude overall that the proposal would cause significant harm to the living conditions of neighbouring residents, with particular reference to outlook and light. In this respect it would conflict with the aims of Policies CP5, CP6 and H11 of the *Carlisle District Local Plan 2001-2016* (LP), which seek to safeguard residential amenity. This aim is carried forward by emerging Policies SP 6 and HO 8 of *The Carlisle District Local Plan-Proposed Submission Draft-February 2015* (LPe). Insofar as they seek to secure a good standard of amenity for all existing and future occupants of land and buildings, the identified Policies are consistent with the aims of the *National Planning Policy Framework* (the Framework).

Character and appearance

9. Due to its single-storey scale, the front annexe of Kinsale is a subservient feature of the front elevation of the house, the 2-storey element of which is dominated by fenestration, in common with the frontages of neighbouring properties, which are otherwise varied in terms of scale, massing and design.
10. The materials used in the external surfaces of the proposal would match those of the existing building. However, as a result of the proposed extension, the front annexe would dominate the frontage of Kinsale and due to its forward projection, beyond the front building lines of its neighbours, it would be a particularly prominent feature of the street scene. Furthermore, its long 2-storey side walls would be interrupted by only 1 or 2 relatively small windows and its front elevation would contain a single window, giving this prominent frontage feature an unusually plain appearance. As a result of the combination of the siting, scale, massing and detailing of the proposal, the extended front annexe would have an awkward and obtrusive appearance, which would give an impression of poor design.

11. I conclude that the proposal would cause significant harm to the character and appearance of the appeal property and its surroundings. It would conflict with LP Policies C5, C6 and H11 which, between them, seek to ensure that development responds to the local context in relation to, amongst other things, scale, massing and appropriate detailing. These aims are carried forward by emerging LPe Policies SP 6 and HO 8. Insofar as the identified Policies seek to promote good design they are consistent with the aims of the Framework.

Other matters

12. In my judgement, the proposal would be sufficiently distant from the beech tree positioned in the corner of the front garden of Beech House so as not to unduly reduce the light received by that tree.
13. The appellant has indicated that the Council has approved a similar 2-storey extension elsewhere, planning permission Ref. 16/0087. However, whilst consistency is desirable, each case must be considered primarily on its own merits. Furthermore, although I do not know the full details of that other scheme, it is described on the planning permission as involving a 2-storey rear extension and single-storey front extension to provide an entrance porch. It appears not to be directly comparable to the proposal before me and so I give it little weight.
14. Whilst I note the appellant's concern regarding the manner in which he says the Council has approached his application, it does not alter the planning merits of the proposed development upon which my determination is based.
15. Neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conclusion

16. In my judgement, the proposal would conflict with the Development Plan taken as a whole and there are no other material considerations which indicate that the appeal should nevertheless be allowed. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR