
Appeal Decision

Site visit made on 29 November 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 6 December 2016

Appeal Ref: APP/Y3940/D/16/3156898

8 Fulmar Close, Bowerhill, Wiltshire SN12 6XU

- 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 Omar Abdulshakour against the decision of Wiltshire Council.
 - The application Ref 16/02681/FUL, dated 16 March 2016, was refused by notice dated 29 June 2016.
 - The development proposed is new roof to detached garage with ancillary accommodation.
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Procedural matters

1. The appellant has requested that I assess the proposal as first submitted, as well as revised. However, I can only assess this appeal on the basis of the plans that were before the Council when it made its decision. I have therefore assessed this appeal on the basis that the proposed increase in roof height would be 450mm, as revised in May 2016. This revision was the subject of further neighbour consultation before the Council made its decision.

Decision

2. The appeal is allowed and planning permission is granted for new roof to detached garage with ancillary accommodation at 8 Fulmar Close, Bowerhill, Wiltshire SN12 6XU in accordance with the terms of the application, Ref 16/02681/FUL, dated 16 March 2016, subject to the following conditions:
 - 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 plan: AH2016/24 dated 22 May 2016.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) no windows, doors, roof lights or dormer windows or other forms of openings other than those shown on the plan hereby approved shall be inserted into the development hereby permitted.
 - 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Fulmar Close.

Main Issue

3. The main issue is the effect of the proposed garage roof extension on the living conditions of the adjacent occupiers at 7 Fulmar Close in terms of daylight, sunlight and aspect.

Reasons

4. The side wall of the existing garage of 8 Fulmar Close is on the boundary with 7. The garage is to the south of 7, at a slight angle to due north, so it overshadows the garden and the rear conservatory of that property, although some afternoon sunlight does reach the corner of the rear of 7 through the gap. The conservatory at the rear of 7 is not shown on the block plan, but I visited this garden on a clear sunny day at around noon when the sun was highest in the sky and I have seen the relationships of the two properties for myself.
 5. The proposed roof would be raised by 450mm, which is the equivalent of approximately 7 courses of the brickwork. Some sunlight would be lost from the garden and conservatory at the rear of 7 in comparison to the existing situation, but the effect of this would be relatively small. Given its inset position on the west slope of the roof, the closest dormer ridge would not block sunlight reaching 7, except possibly for a small amount in the late winter afternoon. Given the layout of the conservatory, there would be no material impact on the levels of daylight it currently enjoys.
 6. There would be a small increase in the visual impact of the raised side wall of the garage but the front dormers would be set in from the edge of the roof. The overall visual impact of the proposal as seen from the rear garden areas of 7 would not be significantly greater than the existing situation. The conservatory at 7 is large and spans the whole of the rear wall. The existing garage wall can be seen in close proximity to this room, but there is a wide open aspect in other directions across the garden. The proposed garage roof extension would not therefore cause an unacceptably overbearing aspect for the occupiers of this room.
 7. The first floor window at the rear of 7 closest to the garage is a bedroom which faces east over the garden. This room would still have a reasonable aspect and due to its raised position in relation to the garage, this window would not lose sunlight or daylight. Concern has also been expressed about potential overlooking of this window from the proposed dormer windows. However, the proposed dormer windows would be approximately in line with the rear wall of 7 and would face towards the street, so they would not directly overlook either this window or the side bathroom window.
 8. I therefore conclude that the occupiers at 7 Fulmar Close would still have a good standard of living conditions, as required by paragraph 17 *Core planning principles* of the National Planning Policy Framework.
 9. Residents of Belvedere Road have expressed concern about the loss of privacy due to the external staircase and the proposed roof light in the rear slope. However, these properties are well separated from the proposed extension and given the mutual intervisibility between these dwellings, the proposed staircase would not cause an unacceptable loss of privacy to these occupiers. The roof light would be small and high up in the roof slope, so it would be unlikely to cause any overlooking.
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10. Concerns about the possible use of the room over the garage have been expressed, but a condition, as suggested by the Council, would prevent the garage building becoming a separate dwelling or being rented out separately.

Conclusions

11. Although I have found that there would be some impact on the occupiers of 7 Fulmar Close in terms of loss of sunlight, I conclude that the effect of this on their living conditions would be small in comparison to the effect of the existing garage. I found that the living conditions of the adjacent occupiers in houses to the rear of the appeal site in Belvedere Road would not be significantly affected in terms of privacy. I therefore conclude that the proposed extension would not harm the living conditions of the adjacent occupiers, which will remain good.
12. The submitted plans indicate that the proposed materials would match the existing house and due to its set back position the proposed roof extension would not harm the wider character or appearance of the area.
13. Wiltshire Core Strategy policy CP57 *Ensuring high quality design* requires that development should enhance local distinctiveness, respond positively to the existing townscape, take into account the characteristics of the site, have regard to the impact on the amenity of existing occupants including consideration of privacy, or overshadowing. For the reasons I have set out above, I conclude that the proposal complies with this policy.
14. A condition would ensure that the accommodation remains ancillary to the main house.
15. For the reasons given above I therefore conclude that the appeal should be allowed.

Conditions

16. I have considered the Councils suggested conditions in the light of the tests set out in paragraph 206 of the National Planning Policy Framework and the guidance in the Planning Practice Guidance. I have applied the standard time limit and required the development to be carried out in accordance with the approved plans, to provide certainty.
17. In order to protect the living conditions of the adjacent occupiers, I have attached a condition suggested by the Council withdrawing the permitted development rights to add new windows, doors, roof lights or dormer windows.
18. I have also attached the standard condition requiring the extension not to be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Fulmar Close. This in order to protect the living conditions of adjacent occupiers and future occupiers.

Jacqueline Wilkinson

INSPECTOR
