
Appeal Decision

Site visit made on 10 November 2016

by B Bowker Mplan MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/D1835/D/16/3155105
17 Knight Street, Worcester WR2 5DF

- 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 K Panesar against the decision of Worcester City Council.
 - The application Ref P16K0282, dated 17 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a single storey extension to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear, at 17 Knight Street, Worcester WR2 5DF, in accordance with the terms of the application Ref P16K0282, dated 17 May 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 plans: Location and Site Plan drawing no 2016-101-02, Existing & Proposed Floor & Elevation Plan drawing no 2016-101-01.

Procedural matter

2. Comments were sought from the parties regarding the absence of elevation plans for the existing and proposed north elevation. The Council have raised no concern regarding the plans as submitted and the proposal's effect on the living conditions of neighbours at 19 Knight Street. Accordingly, I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbours at 15 Knight Street, with particular reference to outlook and day/sunlight.

Reasons

4. No 17 Knight Street is a semi-detached dwelling surrounded by similar properties to its north and south. The appeal property forms a semi-detached pair with No 15 Knight Street. A boundary fence approximately 2 metres in height runs along the shared boundary of Nos 15 and 17. A proportion of the proposal falls under permitted development rights and this matter is not
-

disputed by the Council. However, the proposal would increase the depth and width of the existing rear single storey extension.

5. During my site visit, I saw that the proposal had already been constructed. I viewed the proposal from the habitable room window at No 15 and saw that the outlook and levels of sun/daylight have already been affected by the permitted development extension and by No 15's two storey outrigger. In this respect, the permitted development extension has led to a breach of the 25 and 45 degree line rule. A single storey extension runs along part of the shared boundary of Nos 15 and 13 which combined with the proposal, has affected the outlook from the kitchen window. However, neighbours at No 15 still have an outlook from both windows across the long depth of garden area. Furthermore, the proposal is sited away from the shared boundary fence with No 15 and the section of extension above the fence is glazed. Consequently, the proposal has a limited effect on the outlook from the kitchen and habitable room windows.
6. In the context of No15's two storey outrigger and the permitted development extension, the proposal has not materially reduced the level of day/sunlight received via the kitchen and habitable room windows. The use of glazing and the single storey flat roof height of the proposal have ensured a limited effect in this respect. For similar reasons, neighbours would retain satisfactory levels of outlook and day/sunlight when spending time in the garden, particularly as a large section of the garden remains relatively open to its sides.
7. Therefore I conclude that the proposal does not have a harmful effect on the living conditions of neighbours at 15 Knight Street, with particular reference to outlook and day/sunlight. Consequently, the proposal meets the requirements of South Worcestershire Development Plan Policy 21 and paragraph 17 of the National Planning Policy Framework. Combined, these policies seek to ensure development is of a good design and does not have an unacceptable adverse impact on the amenity of nearby users.

Other matters

8. Whilst not referred to in the decision notice, sections of the Officer's Report appear to raise concern regarding the proposal effect on character and appearance. However, owing to the proposal's inconspicuous location, its single storey scale and use of appropriate roof and wall materials, I am satisfied no harm has arisen in this respect.
9. Concerns have been raised regarding parking and highway safety. However, the proposal is of a modest scale and I note that the Highways Partnership Unit have raised no objection. In addition, as the Council state, planning permission would be required to use the property as a House in Multiple Occupation.

Conditions

10. I have imposed a condition specifying the relevant drawings as this provides certainty. As the proposal has already been constructed using sympathetic materials, a condition requiring materials to match the existing dwelling is not necessary. Similarly, with no evidence of surface water drainage problems arising since construction of the proposal, a condition relating to this matter is unnecessary. Moreover, this is a matter subject to separate regulatory control.

Conclusion

11. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR