
Appeal Decision

Site visit made on 16 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/A1015/D/16/3159961

14 Old Hall Road, Brampton, Chesterfield S40 3RG

- 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 Dr Sandra Lee Lewis against the decision of Chesterfield Borough Council.
 - The application Ref CHE/16/00332/FUL, dated 18 May 2015, was refused by notice dated 13 July 2016.
 - The development proposed is a single storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the name of the appellant as it has been provided on the appeal form which, whilst differing slightly from that shown on the application form, is the name by which the appellant has expressed a preference to be addressed.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Number 16 Old Hall Road.

Reasons

4. The appeal site is one of a terrace of closely related two storey dwellings set back from and facing Old Hall Road. The ground floors of both the appeal building and No 16 include a wide curved bay style window which serves the living room in the case of each dwelling. There is an existing extension which is similar in scale and appearance terms to the proposed development on the front elevation of No 18.
 5. The proposed development would occupy the full width of the ground floor of the appeal building and project forwards of the principle elevation. Whilst it would closely resemble the extension to the front of No 18 and thus be acceptable in design and appearance terms, the side wall would run very close to the curved bay window of No 16. This window is the sole window serving its living room.
 6. Notwithstanding the orientation of the buildings and the appellant's evidence in this respect, the extent of projection of the proposed development, coupled with its close proximity to the aforementioned window, would have an
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overbearing effect. Cumulatively, with the extension to the front of No 18, the window would also experience a tunnelling effect. These effects would limit light into the window, specifically the side of the bay closest to the proposed development, to an unacceptable degree and thus cause harm to the living conditions of the occupiers of No 16. The harm caused would be exacerbated by the flat and featureless brick elevation that would face the window.

7. As such, it would fail to accord with Policy CS18 of the Local Plan¹ and the guidance contained in the Successful Places SPD². These Policies and additional guidance seek to ensure that, amongst other things and alongside one of the core principles of the Framework³, new development should have an acceptable impact on the amenity of users and neighbours.
8. I note the forward projection to the ground floor of the commercial premises to the opposite side of the appeal building and the appellant's assertion that this is of similar size to the proposed development and does not impinge on the living room window to No 14. Whilst this may be the case this is not the development that is being assessed as part of this appeal. In addition, the building concerned is not part of the terrace to which the appeal building relates and furthermore is an enlarged canopy over a bay window. For these reasons it is neither directly comparable to the proposed development nor determinative in my findings.

Conclusion

9. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

¹ Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 (2013)

² Successful Places: Place Making Principles Supplementary Planning Document 2013

³ The National Planning Policy Framework 2012