

Appeal Decision

Site visit made on 11 January 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/E2530/D/16/3164893

4 Frisby Close, Baston PE6 9QU

- 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 Mrs Stephanie Andrews against the decision of South Kesteven District Council.
 - The application Ref S16/1982, dated 19 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is internal alterations, conversion of garage to study/office, demolition of existing conservatory, erection of new single storey family room and extension over garage and utility to form new Master bedroom with en suite.
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Decision

1. The appeal is allowed and planning permission is granted for internal alterations, conversion of garage to study/office, demolition of existing conservatory, erection of new single storey family room and extension over garage and utility to form new Master bedroom with en suite at 4 Frisby Close, Baston PE6 9QU in accordance with the terms of the application, S16/1982, dated 19 August 2016, subject to the following conditions:
 - 1) Prior to the commencement of the first floor extension over the garage, an amended copy of plan PP/03 (Proposed elevations) accurately detailing the window and door to the utility room, together with a new plan showing the proposed first floor plan, shall be submitted to and approved in writing by the local planning authority. These plans shall be consistent with the other plans submitted. The development hereby permitted shall be carried out in accordance with these two plans and approved plans: location plan, PA/001, BR/01, PP/02 and PP/05.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The development has been partially completed as the single storey rear extension has been built under permitted development rights. I nevertheless determine the entire appeal as submitted.
 3. There appears to be inconsistencies between some of the plans submitted. I observed at my site visit that there is a ground floor door and window to the utility room positioned on the eastern elevation, which is present on site, is shown on the proposed ground floor plan but is not shown on the proposed
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elevations plan. Furthermore no proposed first floor plan has been provided. Nevertheless I consider that these inconsistencies are of a minor nature taking into account the judgement given in *Bernard Wheatcroft Ltd V Secretary of State for the Environment and Harborough District Council* (1980). I therefore consider that the Council and residents of adjoining properties have not been prejudiced by these inconsistencies in the plans and I have considered the appeal accordingly.

Main Issue

4. The main issue is the effect of the appeal proposal on the living conditions of the occupiers of No 5 Frisby Close, in regard to outlook.

Reasons

5. The detached two storey dwelling is located within a small cul de sac on a modern residential estate. The property has an attached single garage and an entrance leading to the rear garden on its eastern side. It is surrounded on all sides by other detached dwellings of various sizes and styles.
6. The six properties on Frisby Close step around the cul de sac at different angles and orientations within their plots. This results in the front elevation of the appeal dwelling being generally level with the main front elevation of No 3, the neighbouring property to the west, but to the east it is generally level with the rear elevation of No 5. The rear garden of No 5 therefore borders the side elevation of the appeal dwelling.
7. I note that the Council's concerns relate specifically to the effect of the proposed first floor side extension on the living conditions of the occupiers of No 5. I saw on my site visit that the appeal dwelling and No 5 are moderately orientated away from each other at the rear. Whilst the side extension would be visible from some of the rear habitable rooms of No 5, particularly those on the western side of the property, the resultant views would be predominantly oblique. Furthermore there would continue to be a separation gap between the development and No 5 at first floor level, though I recognise that this would be reduced. Nevertheless due to the moderately different orientations of the dwellings this gap would appear wider towards the rear of the proposed extension. In addition no windows are proposed on the first floor side elevation.
8. Consequently whilst recognising that there would be a change in outlook for the occupiers of No 5 from the property and garden, I am satisfied that the size, mass and siting of the development would not be unduly dominant and would not appear excessively enclosing or overbearing. Accordingly I consider that the development would not be materially harmful to the occupiers of No 5 in relation to outlook.
9. Whilst concerns have been raised regarding the effect of the proposal on the occupiers of No 3 Maltby Drive, the significant intervening distance between the two properties would ensure that the living conditions of these residents would not be prejudiced. In addition I note that the Council does not object to the proposal in this respect and I concur with this view.
10. The National Planning Policy Framework (the Framework) seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings. Having considered the evidence before me and taking account of my

site visit observations, I conclude that the proposal would not result in material harm to the living conditions of the occupiers of No 5 Frisby Close and as such it would accord with the Framework. I also consider that the proposal would not conflict with South Kesteven Core Strategy (2010) Policy EN1 which seeks to protect and enhance the character of the district.

11. In reaching my conclusion I have considered other concerns raised about the effect of the development on the character and appearance of the property and the surrounding area. However I do not consider that the use of render within the development would be detrimental in this regard. Furthermore on my site visit I saw that blank brick gable elevations are characteristic within the locality. In any case the Council has not objected to the proposal on the grounds of character and appearance and I see no reason to disagree.

Conditions

12. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). I am satisfied that the conditions set out in my decision meet the tests within the PPG.
13. As the development has commenced, the standard time limit condition is not relevant. As highlighted at the start of this decision letter there are some minor inconsistencies within the submitted plans. Whilst this has made no difference to my decision, to ensure certainty I amend the standard condition specifying the approved plans to require the submission of a proposed first floor plan, together with an amended proposed elevations plan. The latter is necessary so that the plan accurately reflects the existing side door and window at ground floor level as shown on the proposed ground floor plan and as seen on site.
14. A further condition concerning the materials to be used is necessary in the interests of the character and appearance of the property and surrounding area. I note that the front elevation proposes a part rendered finish. As the completed rear extension is covered in render, a condition requiring the development to match existing materials would be appropriate.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR