

# Appeal Decision

Site visit made on 1 February 2017

**by Ian McHugh Dip TP MRTPI**

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

**Decision date: 15<sup>th</sup> February 2017**

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**Appeal Ref: APP/H1840/D/16/3160520**

**107 Shrubbery Road, Drakes Broughton, WR10 2BE**

- 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 Roger Starkey against the decision of Wychavon District Council.
  - The application Ref W/16/01822/PP, dated 20 July 2016, was refused by notice dated 23 September 2016.
  - The development proposed is a two storey rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 107 Shrubbery Road, Drakes Broughton, WR10 2BE, in accordance with the terms of the application Ref W/16/01822/PP dated 20 July 2016 subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers – p2016\_016/01; p2016\_016/02; p2016\_016/03 Rev A; p2016\_016/04 Rev A; p2016\_016/06; and p2016\_016/07.
    - 3) 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.
    - 4) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement (dated 8 July 2016) shall be fully implemented and retained thereafter.
    - 5) Before the first occupation of the extension hereby permitted, the window within the first floor east elevation shall be fitted with obscured glazing and shall be non-opening, unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.
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## **Main Issue**

2. The main issue is the effect of the proposal on the living conditions of the occupiers of numbers 105 and 109 Shrubbery Road (numbers 105 and 109), with particular regard to outlook and overshadowing.

## **Reasons**

3. The appeal property is a detached two storey dwelling, which is situated on a modern residential estate. Properties in the vicinity of the appeal site are mixed in terms of their size and appearance. Number 105 is a two storey dwelling and number 109 is a single storey bungalow. The properties have relatively large rear gardens which adjoin open countryside.
4. The appeal proposal is to construct a two storey rear extension. It would have a staggered footprint that would project out from the rear of the existing dwelling by between (just under) 2m and 5m. As such, it would add significantly to the bulk and mass of the property. The shortest section would be built adjacent to the boundary with number 105 and the elevation closest to the side boundary with number 109 would be 5m in length.
5. The Council contends that the proposal would have an unacceptably overbearing effect on the neighbouring properties because of its scale, height and massing. The occupants of numbers 105 and 109 plus the occupiers of other local properties have also objected to the proposal for this reason. In addition, the occupants of number 105 express concern regarding loss of sunlight and those of 109 have objected on loss of privacy.
6. The Council considers that the development would conflict with Policy SWDP21 of the South Worcestershire Development Plan 2016. This policy seeks (amongst other things) to secure high quality design for all new development; and to ensure that development is not unduly overbearing. In reaching my decision, I have also taken into account the provisions of paragraph 17 of the National Planning Policy Framework (the Framework), which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
7. At my site visit, I viewed the proposal from the rear gardens of numbers 105 and 109. I also noted that a new conservatory has been built on the rear of number 105. The conservatory is not shown on the appellant's plans. With regard to the effect on number 105, I am not persuaded that the proposal would have an unacceptably harmful impact on the occupants of that property for the reasons given below.
8. The appellant has indicated on the submitted plans that the proposal would not breach a 45° line taken from the nearest ground floor window of number 105. However, that plan does not show the recent conservatory addition. When measured from the conservatory, the impact would be less. From the nearest first floor window there would only be a minor breach. Whilst this exercise is not determinative, I consider that it does provide a reasonable method to help assess the impact of a proposal on neighbouring property. I consider that there would be some loss of sunlight to part of the rear garden of number 105 early in the day. However, in my opinion this would not be significantly harmful.

9. Turning to the impact on the occupants of number 109, I consider that there would be some effect on the outlook from the rear of that dwelling and from its rear garden, because of the length and height of the extension. However, the submitted plans also show that the proposal would not extend beyond a line drawn at 45° from the nearest main habitable room window of number 109. In addition, number 109 has a relatively large garden. In my opinion, the proposal would not have an unacceptably overbearing effect because the overall open aspect and outlook from the property would not be unduly compromised by the extension. In reaching my decision, I have taken into account the difference in ground levels between the appeal site and number 109, but this does not alter my findings.
10. I have also considered the effect of the proposal on the privacy of the occupants of number 109. The proposed extension has one first floor window on its side elevation facing number 109. That window would serve an en-suite shower room and is shown to be obscure glazed. An appropriately worded condition would ensure that the window remains obscure glazed at all times.
11. For the above reasons, I consider that the proposed extension would not have an unacceptably adverse effect on the living conditions of the occupants of the neighbouring properties. Consequently, the development would not conflict with the Development Plan or with the Framework, as referred to above.

### **Conditions**

12. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
13. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.
14. In accordance with Policy SWDP29 of the South Worcestershire Development Plan and the principles of sustainable drainage, a condition is imposed requiring the implementation of the submitted Water Management Plan.
15. To avoid overlooking, a condition is also necessary to ensure that the first floor window on the eastern elevation is obscure glazed.

### **Conclusion**

16. For the reasons given above, it is concluded that the appeal should be allowed.

*Ian McHugh*

INSPECTOR