
Appeal Decision

Site visit made on 13 February 2017

by **Michael Boniface MSc MRTPI**

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

Decision date: 17th February 2017

Appeal Ref: APP/T3725/D/16/3166127
23 Waller Street, Leamington Spa, CV32 5UP

- 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 & Mrs S & F Cooper against the decision of Warwick District Council.
 - The application Ref W/16/1109, dated 16 June 2016, was refused by notice dated 11 October 2016.
 - The development proposed is a first floor and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring occupants' at No 24, with particular regard to light and overbearing impact.

Reasons

3. The appeal property is a mid-terrace dwelling located within a row of similar residential properties of typical Victorian character and layout. The proposal involves a first floor rear extension over the existing single storey protrusion and a ground floor extension that would infill the space to the side up to the boundary with No 24 and wrap around the existing property at the rear.
4. The extension would significantly increase the scale and mass of the property and the first floor element would become prominent from both the rear facing windows of the neighbouring dwelling (No 24) and its ground floor side facing windows which oppose the site. Taken together, the ground and first floor extensions would appear large and visually intrusive in such close proximity to the neighbouring windows, harmfully narrowing views from rear windows and creating a stark and overbearing mass on views from the side facing windows, which currently have a much more open aspect owing to the low level boundary wall. This is despite the glazed nature of the roof for the single storey extension and its slope away from the boundary.
5. The harmful impact arising to the neighbour's living conditions would be further compounded by the position of the extension, south of the neighbouring property. This would result in a loss of direct sunlight to a number of habitable rooms, particularly to the side facing kitchen windows. Whilst the submitted Daylight and Sunlight Assessment (April 2014) demonstrates that the resulting

levels of sunlight will generally exceed those recommended by BRE Guidelines¹ and that impacts on daylight will be modest, it is clear that an appreciable loss of light will result, particularly in the kitchen where Vertical Sky Component values would fall to 0.7 times their former value for two of the windows. I note that large glazed doors also serve this room and so the overall impact to occupants' is likely to be reduced, but the reduction in light to the neighbouring property would nonetheless be harmful. This loss of light adds to the harm to living conditions that would be experienced by neighbouring occupants'.

6. I have had regard to the similar first floor extension built at No 20 but this is located north of the neighbour's opposing side windows and the effect on sunlight is not comparable. Furthermore, I do not have full details of the circumstances under which this was granted planning permission. I also note that planning permission has been granted by the Council² more recently at No 21 but again, insufficient information has been provided as to the circumstances surrounding this grant of planning permission. In any case, that planning permission involved a smaller extension than is proposed in this case and so it does not alter my conclusions.
7. I note that the proposed development would improve the current living accommodation for the appellant and better meet family needs. I have also considered the appellant's assertion that the proposal would improve privacy between the appeal property and No 24 by removing opposing windows. However, these matters do not outweigh the significant harm that I have identified with regard to the main issue.
8. The development would harm the living conditions of the neighbouring occupants'. This would be in conflict with Policy DP2 of the Warwick District Local Plan (2007) and the objectives of the Council's Supplementary Planning Guidance, *The 45 Degree Guideline* which seek to protect neighbours' living conditions and avoid development that would be unneighbourly, overbearing or result in a loss of light. This is notwithstanding that the appeal property already breaches the 45 degree angle taken from the centre of the neighbour's nearest window.
9. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

¹ Building Research Establishment (BRE) Report 'Site layout planning for daylight and sunlight - A guide to good practice', 2011

² Ref. W/15/1341