

Appeal Decision

Site visit made on 20 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/Y2003/D/16/3163919
29 Rochdale Road, Scunthorpe DN16 3JQ

- 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 David Maxwell against the decision of North Lincolnshire Council.
 - The application Ref PA/2016/1226, dated 29 July 2016, was refused by notice dated 16 November 2016.
 - The development proposed is a single story extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at 29 Rochdale Road, Scunthorpe DN16 3JQ in accordance with the terms of the application, Ref PA/2016/1226, dated 29 July 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: Proposed Site Layout; 510.01 rev A and 510.02 rev A.
 - 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.

Procedural Matters

2. The appeal property is a two storey, semi-detached dwelling located on a generously proportioned corner plot on Rochdale Road. The appeal property and the adjoining half of the semi-detached dwelling together form a distinctive L-shaped building, the appeal property (no 29) being set at 90° to the other half of the building (No 31). Both parties refer to the west elevation of No 29 as the rear elevation of the appeal property, and to the extension as a rear extension. In the interests of consistency and clarity, I will adopt the same description and definition, and have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of occupiers of 31 Rochdale Road, with particular reference to light, privacy and outlook; and
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- The character and appearance of the host property, and the surrounding area.

Reasons

Living Conditions

4. The proposed extension would project some 10 metres in depth from the rear elevation of the appeal property. Although the boundary line between Nos 29 and 31 is splayed, the proposed extension would project a considerable depth from the rear of No 29, perpendicular to the rear elevation and rear extension at No 31, such that the proposal would fail the 45 degree test applied by the Council and set out in the Council's Supplementary Design Guide, SPG1: Design Guidance for House Extensions (SPG1).
5. However, although a 45 degree line from the mid-point of the window on the rear elevation of the rear extension at No 31 would be technically breached, I find that the appeal scheme would not have a significantly adverse impact in terms of loss of light or overshadowing upon the rear of No 31. Due to the splayed boundary fence-line between the two properties, any immediate impact of the proposed extension in terms of daylight or sunlight would fall upon the area between the extension and the splayed boundary line within the appeal site, whilst the rear extension at No 31 already faces obliquely across an existing timber-panel fence such that outlook from here is already curtailed to a substantial extent.
6. Nor do I find that the proposed extension would have an overbearing impact upon the outlook from the rear of the adjoin property. The proposed extension would have a lower ridge height and shallower roof pitch than the existing structure, and its continuous projection would be broken slightly by being inset from the rear corner of the main house. Although the extension would project beyond the rear corner of the existing single storey element of the appeal property, it would at this point be a considerably greater distance away from the boundary between the properties than No 29 and its existing rear single storey element.
7. The existing relationship between the two properties is such that there is currently a high level of inter-visibility between the two, both from within the houses and also from their respective outdoor areas. Although the proposed extension would incorporate two windows on its north facing elevation, towards No 31, one of these would be fitted with obscure glazing. The other, to the kitchen, would not, but this would be no different to the existing kitchen window at No 29. Moreover, neither the existing nor the proposed kitchen windows would look directly towards windows at No 31. Rather, they would face towards the blank flank wall of the rear extension and the intervening timber-panel fence, such that the proposal would avoid an unacceptable loss of amenity from the effects of overlooking.
8. I am satisfied therefore that, notwithstanding a technical breach of the 45 degree test set out in SPG1, the layout of, and relationship between, the rear of Nos 29 and 31 is such that the proposed extension would not cause unacceptable overshadowing, or loss of daylight or sunlight to the rear of No 31. Nor, I conclude for the same reasons, would the proposal result in an overbearing impact upon the rear of the adjoining property, or unacceptable overlooking between, or loss of privacy to, the neighbouring property. Thus,

the proposal would accord with the overall amenity protection aims of North Lincolnshire Local Plan (LP) policy DS5.

Character and Appearance

9. The appeal property is set within a large corner plot that enjoys a generously proportioned garden particularly facing south towards Rochdale Road and to the west, between it and No 27. Whilst the proposed extension is large and would occupy most of the space at the rear between Nos 27 and 29, I do not agree that the proposal would amount to over-development of the site.
10. Rochdale Road slopes gently downwards from west to east, meaning that the appeal property sits slightly lower than the adjacent dwelling at No 27. Coupled with the mature and dense domestic hedges that are prevalent along this particular stretch of Rochdale Road, including around the appeal property, the proposed extension would sit relatively unobtrusively within the streetscene in longer views in both directions along Rochdale Road.
11. Although wide when viewed face-on from the driveway entrance to the south, the proposed extension would nonetheless remain subservient to the main house in terms of its height and depth. The submitted plans indicate that materials would match those of the main house, thereby ensuring a satisfactory fit in terms of appearance to its host, whilst its relatively unobtrusive presence within longer views along Rochdale Road, would be such that I conclude that the proposal would not overpower or dominate either the house itself, or the site as a whole, whilst maintaining the distinctive L-shaped two storey form of dwellings that are a feature of the immediate area.
12. Thus, for the reasons set out, I conclude that the proposal would achieve a high standard of design where the extension's design and external appearance would reflect the character, appearance and setting of the host property and the immediate area. I therefore find no conflict with LP policies DS1 or DS5, or policy CS5 of the North Lincolnshire Local Development Framework: Core Strategy.

Conditions

13. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. In addition to the time limit condition, I agree that conditions specifying the approved plans and the use of matching materials are necessary in order to provide certainty and in the interests of character and appearance.

Conclusion

14. For the reasons set out, and having considered all other matters, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR