
Appeal Decision

Site visit made on 15 February 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/D1835/D/16/3153254

5 Carriage Close, Worcester, WR2 6AE

- 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 Steve McCarthy against the decision of Worcester City Council.
 - The application Ref P16J0123, dated 8 March 2016, was refused by notice dated 4 May 2016.
 - The development proposed is a first floor rear extension to create an en-suite bathroom for an existing bedroom.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension to create an en-suite bathroom for an existing bedroom at 5 Carriage Close, Worcester, WR2 6AE, in accordance with the terms of the application Ref P16J0123, dated 8 March 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: L003; L004; L005; L006; and L007, all dated 13 February 2016.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the occupants of the neighbouring dwelling at number 4 Carriage Close (number 4), with particular regard to outlook and natural light.

Reasons

3. The appeal property is a modern two storey dwelling, which is situated within a small residential estate. The dwellings have been laid out with a staggered relationship to each other. Number 4 is positioned partly in front of the appeal property. There is a narrow path between the shared side boundary with
-

number 4 and the appeal dwelling, which gives access to the rear garden of the appeal property.

4. The proposal is to construct a flat-roofed first floor extension at the rear of an existing first floor bedroom on the side of the appeal dwelling adjacent to number 4. Because of the positioning of the properties, the proposed extension would project wholly beyond the rear wall of number 4. That rear elevation contains main habitable room windows at ground and first floor levels.
5. The Council states that the proposal would have an unacceptably overshadowing effect on number 4, which would be harmful to the living conditions of its occupants. Accordingly, the Council contends that the development would conflict with Policy 21 of the South Worcestershire Development Plan 2016. The policy states (amongst other things) that development will not be permitted if it would have an unacceptably adverse effect on the amenity of nearby residents. Reference is also made by the Council to its Supplementary Planning Guidance: Residential Design Guide (SPG), which provides advice and guidance on angular relationships between properties in order to avoid overshadowing.
6. In my opinion, the Council's policy and guidance is consistent with the provisions of the National Planning Policy Framework (the Framework), which requires planning to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
7. Although the Council's guidance provides a reasonable method to help assess the impact of a proposal on a neighbouring property, each proposal should also be considered on its merits. In this case, the proposed extension would be positioned to the north of number 4 and, accordingly, there would be little impact in respect of overshadowing or loss of natural light. Furthermore, the extension would have no significant additional effect on the outlook from number 4 because of the positioning, mass and close proximity of the existing first floor part of the appeal property. The flat roof construction of the extension would also help to minimise its impact. Consequently, I consider that the proposal would not have an adverse effect on the occupants of number 4 and, therefore, it would not conflict with the Development Plan or with the Framework, as referred to above.

Conditions

8. 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.
9. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

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

Ian McHugh INSPECTOR