

Appeal Decision

Site visit made on 7 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 1st March 2017

Appeal Ref: APP/N1025/D/16/3161039

11 Willoughby Close, Breaston, Derbyshire DE72 3UQ

- 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 D Murray against the decision of Erewash Borough Council.
 - The application Ref ERE/0516/0046, dated 30 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is erect front first floor extension and rear single storey extension to existing dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. The effect of the development on the living conditions of the adjacent residents at 9 and 10 Willoughby Close, with particular regard to outlook and daylight.
 2. The effect of the development on the character and appearance of the area.

Reasons

Living Conditions

3. Willoughby Close is a cul-de-sac of modern detached residential properties of a variety of styles. No 11 is an 'L' shaped building, the main part of which is two storeys in height with a projecting single storey element accommodating a garage and study at the front. The proposal is for an extension alongside and above that element of the building to form an additional bedroom. In addition a single storey extension is proposed at the rear. No objection has been raised by the Council or neighbouring residents to the proposed rear extension and there is no reason for me to disagree.
 4. Unusually, neighbouring properties No's 9 and 10 Willoughby Close are sited at a right angle to the highway and face the side elevation of No 11. As such, habitable room windows on the ground and first floor of No 10 directly face the blank side elevation of the projecting garage. Although the main parties disagree about the precise distance between properties it seems to me that the space between No's 10 and 11 is limited and outlook from No 10 is
-

already compromised to an extent. I note that the occupiers of No 10 describe their lounge and study as already dark rooms.

5. The appellant advises that the proposed increase in the ridge height of the building would be just over 2m. Nevertheless, given the present form of the dwelling, the proposal would result in a considerable increase in the bulk and massing of the projecting element particularly when viewed from the rear. Given the limited distance between buildings, the extension would be dominant and overbearing when viewed from the facing habitable rooms at No 10, particularly on the ground floor. Consequently those rooms would become gloomier, less pleasant places to be.
6. The Council's 'Extending Your Home' Supplementary Planning Document 2006 notes that 'buildings which dominate the outlook from a property can have a serious impact' but provides no specific guidance as to what distance might be appropriate. Accordingly it seems to me that what constitutes an appropriate distance between a habitable room and a blank wall is one of judgement. Whilst my attention has been drawn to a development at Astill Pines Close, Breaston, where it appears that habitable windows face a neighbouring dwelling at close proximity, I do not have the full details of the case, or the circumstances that lead to its approval before me. I cannot therefore be sure it is comparable to the appeal proposal and I am unconvinced that it sets an acceptable precedent.
7. Habitable rooms in No 9, a bungalow, are off-set from the garage and views of the extension would be oblique. On that basis I am satisfied that outlook from that property would not be unduly compromised.
8. The proposed extension would lie to the south side of No 10 and I have noted concerns about impact on light. On the evidence before me, given the distance between properties, the extension is unlikely to overshadow the front windows of No 10 and, because of its distance and position, would not have an unduly detrimental impact on light to No 9.
9. Nevertheless, given the significant impact on outlook the proposal would have an adverse effect on the living conditions within the adjacent property. Consequently the proposal would be contrary to Saved Policy DC2 of Erewash Borough Council's Local Plan and Policy 10 of Erewash Borough Council's adopted Core Strategy 2014 which seek, amongst other things, to protect the amenity of nearby residents.

Character and Appearance

10. The character and appearance of the area is defined by the mix of bungalows and houses, which appear to have been built at a similar time, and their irregular layout. There are no footpaths along Willoughby Close and front gardens are generally open and landscaped rather than enclosed. Space between buildings varies and building lines are indistinct. Consequently the character of the cul-de-sac is informal.
11. Whilst the proposal would create a two storey building mass closer to the highway than the main part of the existing dwelling, I noted that nearby properties No's 13 and 14 Willoughby Close are two storey dwellings with gable ends set on a similar building line to the garages at the appeal site and No 12. In that context the proposal would not be unusual or unduly prominent in the

street scene. I note that the extension would be constructed in matching materials and would be of a similar design to the house. Moreover the open grassed area in front of the existing garage would not be altered and it seems to me that the space would offset the building mass, preventing it from appearing cramped. Whilst I have taken into account the views of the Council regarding the bulk of the proposal, it would be similar in terms of its massing to that at No 10.

12. Consequently I am satisfied that the proposal would not cause any undue harm to the character and appearance of the area. Therefore in this respect, the proposal would be in accordance with the policies outlined above which also seek to ensure that development respects its context.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised including the lack of objection from the Parish Council, the appeal is dismissed.

S Ashworth

INSPECTOR