

Appeal Decision

Site visit made on 1 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/Y1110/D/16/3164150

44 Rivermead Road, St Leonard's, Exeter, Devon EX2 4RL

- 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 Mark Pursey against the decision of Exeter City Council.
 - The application, Ref. 15/0513/03, dated 5 May 2015, was refused by notice dated 7 October 2016.
 - The development proposed is an extension to the rear of the property (single storey).
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the rear of the property (single storey) at 44 Rivermead Road, St Leonard's, Exeter in accordance with the terms of the application, Ref. 15/0513/03, dated 5 May 2015, 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 shall be carried out in accordance with the following approved plans: Drawing Nos. 15/0513GFv1A; 15/0513/SDv1A; 0147_RIV_PL_4.0; 15/0513/PA SE; 15/0513/PA Rear.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for adjoining occupiers at No. 42 Rivermead Road in terms of outlook and light. The Notice of Refusal also separately refers to an overbearing impact on this property but I consider that this falls to be assessed as part of the outlook. This is because when a structure is 'overbearing' it is an example of the consequence of an impairment of the outlook to adjoining property to the extent that it becomes unduly dominant with an uncomfortable perception of excessive enclosure.

Reasons

3. The appeal property is one half of a semi-detached pair with No. 42. Both properties have a single storey sunroom to the rear and I am minded to accept the analysis in the Grounds of Appeal that suggests that these are part of the original dwellings, albeit I have not relied on this conclusion for my assessment.
 4. The proposed extension would extend 4.7m from the main rear elevation. However, as the building would include the rebuilding of the sunroom the more relevant figure for assessing the impact on No. 42 is just under 3m. As the
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grounds of appeal argue, this is a depth (albeit a maximum) that can often be regarded as acceptable in both national legislation and the Council's 'Householder's Guide to Extension Design SPD 2008' for extensions to semi-detached houses.

5. Turning to the specifics of this case and firstly to the effect on the outlook from the sunroom of No. 42, the Council considers that this would be significantly harmed by '*a long solid block of wall down the boundary*' namely the flank wall of the extension. Bearing in mind my comments in the preceding paragraphs, I do not consider that a depth of about 3m beyond the sunroom of No. 42 can reasonably be regarded as particularly 'long'. Moreover, the view of the extension's flank wall from the sunroom of No. 42 would be essentially tangential, with the main outlook being directly down the 22m length garden and remaining substantially the same.
6. In fairness it should be noted that the aspect from No. 42's sunroom is more open because of its elevated position relative to the garden, thereby permitting some views over No. 44. However, this elevation would continue to be an advantage over the remaining principal outlook towards the garden of No. 42 and river floodplain beyond. On this part of the issue I therefore find that whilst the proposed extension to No. 44 would restrict the outlook from No. 42 to some degree, it would not be overbearing or in any other way so detrimental as to warrant a refusal of permission.
7. As regards light, the officer's report initially uses the term 'natural light' in the context of a reference to the Design SPD but then proceeds to limit its case to the blocking of sunlight or overshadowing. There are therefore no submissions that daylight would be affected and given that the sunroom and garden face south west I find this unsurprising.
8. In terms of sunlight, the combination of the single storey height of the proposed extension, its modest length and the southerly orientation of the properties on this side of Rivermead Road would mean that any shadow cast on the sunroom and garden of No. 42 would be during the first part of the day and of a limited duration. Without either of the parties undertaking a sunlight assessment under the nationally recognised Building Research Establishment guidelines I am unable to give precision to the effect. However, I am satisfied that it would be within acceptable limits, especially as the sunroom itself has a glazed roof.
9. The grounds of appeal have referred to a number of other similar extensions to properties in Rivermead Road and in particular to that at No. 24. I saw that extension as part of my visit and the only material difference in terms of the relevant issues between that case and this appeal appears to be the absence of any objection. Whilst I have sympathy with the concerns of the occupier of No. 42 there are few, if any, extensions to semi-detached properties that have no effect at all on their neighbours. In this case I am satisfied that the effects on outlook and light would not be significant and insufficient to dismiss the appeal.
10. There would therefore be no conflict with Policies DG1(f) & (g) and DG4(b) of the Exeter Local Plan First Review 2005; Policy DD13 of the Publication Version: Development Delivery DPD 2015; the Council's Design SPD and the core planning principles of the National Planning Policy Framework 2012.

11. In allowing the appeal I have imposed a condition requiring the development to be carried out in accordance with the plans attached in the appellant's email to the Planning Inspectorate dated 24 February 2017. This is for the avoidance of doubt and in the interests of proper planning. The plans include annotations indicating brickwork of the proposed extension to match the existing brickwork of the dwelling and this will safeguard the appearance of the building.

Martin Andrews

INSPECTOR