
Appeal Decision

Site visit made on 21 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 21ST March 2017

Appeal Ref: APP/G0908/D/16/3159566

156 Chaucer Road, Workington, Cumbria CA14 4HP

- 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 and Mrs C Hamilton against the decision of Allerdale Borough Council.
 - The application Ref 2/2016/0345, registered by the Council on 25 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is a 2 storey extension to side with garage and bedroom over and single storey to rear for kitchen and day room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of the nearby dwelling at 140 Chaucer Road.

Reasons

3. The north eastern side elevation of number 156 Chaucer Road faces, albeit at a slightly oblique angle, towards the rear of the bungalow at 140 Chaucer Road. Number 140 has a short rear garden and a conservatory and habitable room windows, including to a kitchen and bedroom, which face directly towards the appeal property.
 4. The appeal proposal would replace an existing single storey garage, on the side of number 156, with a much higher and slightly wider 2 storey side extension with linked single storey element to the rear. The side wall of the proposed extension would be very close to and run parallel with the boundary with number 140.
 5. Number 140 is set at a slightly higher ground level than number 156 and the boundary between the two dwellings is marked by an evergreen hedge. However, the high, wide and imposing side wall of the 2 storey part of the proposed extension would loom over the boundary hedge when viewed from the habitable rooms and small rear garden of number 140.
 6. Due to a combination of its scale, height and location the proposed extension would have an overbearing and oppressive effect on the outlook available from number 140. As a result it would cause substantial harm to the living
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conditions of occupiers of this neighbouring dwelling. Its approval would conflict with relevant provisions in Policies S4, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1) Strategic and Development Management Policies (ALPSDMP) 2014 and the National Planning Policy Framework (the 'Framework') related to this matter.

7. The question of whether objections were received from occupiers of neighbouring properties during the consultation period on the application does not determine whether harm would be caused by the appeal proposal. Whilst the concept of amenity is not clearly defined in Policy S32 or the other Policies referred to by the Council, this situation is not unusual and does not lead me to conclude that the proposal would accord with them.
8. I accept that the proposed extension would not, provided that the first floor dressing room window in the rear elevation is fitted with obscure glazing, cause a loss of privacy for occupiers of any neighbouring dwelling. However, this would not mitigate the harm that it would cause to the outlook of occupiers of number 140.

Other Considerations

9. The proposed development would provide more spacious living accommodation for a family within the appeal property. However, whilst this would be a notable benefit, I do not consider that it would outweigh the harm that I have identified earlier.
10. As a result of its design and the proposed use of materials to match the existing dwelling, the proposed development would have an acceptable effect on the character and appearance of the area. However, this point constitutes a lack of harm in relation to this matter rather than a positive benefit of the proposal.

Conclusion

11. I have found that the proposal would cause substantial harm to the living conditions of occupiers of number 140 Chaucer Road. Furthermore, the proposal would not lead to any benefits which would outweigh this harm.
12. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR