
Appeal Decision

Site visit made on 27 March 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/V0510/W/16/3160385

38 New Close Road, Little Thetford, Cambridgeshire CB6 3HQ

- 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 Mrs J Toovey against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00402/FUL, dated 14 March 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a first floor and ground floor extension to the bungalow with alterations to external windows and doors.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor and ground floor extension to the bungalow with alterations to external windows and doors at 38 New Close Road, Little Thetford, Cambridgeshire CB6 3HQ, in accordance with the terms of the application, Ref: 16/00402/FUL, dated 14 March 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. During my site visit I viewed the appeal site from the front room and ground floor bedroom of 36 New Close Road.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of 36 New Close Road with particular reference to sunlight.

Reasons

4. The appeal property (No. 38) is a detached bungalow located between two houses within a residential estate. No. 38 is located forward of 36 New Close Road (No. 36) with a double garage in the front garden. The proposal includes a first floor cross wing extension and a small front extension for a stair enclosure. The Council considers that the front extension and the proposed alterations to the fenestration would be acceptable and I have no reason to disagree. However, the Council are concerned the proposal first floor extension would unreasonably block sunlight to the first floor bedroom window in the front elevation of No. 36.
 5. In response, the appellant has provided a shading analysis detailing the extent of over shadowing to No.36 currently caused by No. 38 and its garage and the
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effect the extension would have on this situation. This demonstrates that the proposed extension would result in a loss of sunlight penetration into the first floor bedroom window of No. 38 in the mornings in November, December and January.

6. Whilst not planning policy, and to be applied flexibly, the Building Research Establishment (BRE) has provided useful guidance¹ on considering the effect of development on the level of day and sunlight entering neighbouring properties, which is to be read in conjunction with British Standard 8206-2:2008². In the absence of any local standards I consider this to be an important material consideration. The BRE guidance suggests that interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours with at least 5% of probable sunlight hours in the winter months³. I have not been directed to a different target for properties within villages or housing estates.
7. The appellant's report suggests the first floor bedroom window in No. 36 would receive 63% probable sunlight hours throughout the year with 43% in the winter. I have not been presented with substantive technical evidence that would lead me to question these findings⁴. As such, I afford the findings of the report significant weight in my assessment. Moreover, the Council has accepted the findings of the report in respect of the living room and the ground floor bedroom at No. 36. Consequently, I find that the sunlight penetration to the first floor bedroom window of No 36 would significantly exceed the guidance outlined by the BRE following the implementation of the appeal scheme. This is a matter that weighs significantly in favour of the proposal.
8. It is also important to note that sunlight penetration is, in my view, a secondary consideration to the amount of ambient daylight entering a window. This is because rooms can still receive sufficient natural light even when the windows serving that room are orientated to face north, and thus receive no direct sunlight, or are positioned in such a way that they receive little direct sunlight throughout the day. The Council have not alleged that the level of ambient daylight entering the bedroom would be harmed. This is another significant point in favour of the proposal as it demonstrates that the overall light levels entering the bedroom would be reasonable.
9. Therefore, whilst there would be a loss of direct sunlight in November, December and January to the bedroom, it would nevertheless still receive high levels of sunlight penetration throughout the year and the level of ambient daylight would be sufficient. I therefore conclude that the effects of the appeal scheme on the living conditions of the occupants of No. 36 would not amount to harm. As such, the proposal would adhere to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Paragraph 17 of the National Planning Policy Framework.

¹ Site Planning for Daylight and Sunlight: A Guide to Good Practice

² Lighting for Buildings Part 2: Code of Practice for Daylighting

³ Defined by the BRE as being between 23 September and 21 March

⁴ The occupants of No. 36 have suggested the computer model used by the appellant's architect to test the effect on light levels may have provided inaccurate data, referring to a photograph showing a shadow in a different location to that in the assessment. However, this is only a slight discrepancy and as the appellant's consultant states, it is actually an indication that the overall effect on No. 36 may not be as great as that shown in the model, as the model shows the ridge height 900mm higher than shown in the photo. I have no reason to disagree.

Other Matters

10. I share the conclusions of the Council that the extent of any loss of day and sunlight to the living room and ground floor bedroom of No. 36 would not be harmful, even with any 'tunnelling effect' and loss of views to the sky, given the findings in the appellant's assessment, which I have already concluded can be given significant weight. The dual aspect of the living room is also a noteworthy point that suggests day and sun light levels to this room would not be harmfully affected as does the application of the BRE's 45 degree angle test, which the extension would not breach.
11. In its appeal statement the Council refers to an over bearing impact but does not expand upon this point. The proposed first floor extension would be inset from the boundary and the only window in No. 36 that would be directly facing it would be the ground floor bedroom window⁵, which is located on the northern side of the front garden and therefore sufficiently distant from the proposed extension to ensure the outlook from it would not be harmed.

Conditions

12. I share the view of the Council that in the interests of safeguarding the character and appearance of the area and the living conditions of neighbours it is necessary to impose conditions requiring the development to be implemented in accordance with the approved drawings and for the finishing materials to be as specified on the planning application form. In reaching this view I have considered the advice in the Planning Practice Guide in respect of planning conditions.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; Location Plan received by the Council 05.04.2016, Block Plan received by the Council 05.04.2016, Drawing Numbers 2 and 3 Rev C Proposed Plans, Elevations and Sections.
3. The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the application form. All works shall be carried out in accordance with the approached details.

⁵ The other front windows in No. 36 face towards the central green in the cul-de-sac and thus the outlook from these vantage points would not be harmed
