
Appeal Decision

Site visit made on 21 March 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/V0728/D/16/3166359

11 Langdale, Guisborough TS14 8EZ

- 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 Muiyiwa Akintoye against the decision of Redcar & Cleveland Borough Council.
 - The application Ref: R/2016/0419/FF, dated 27 June 2016, was refused by notice dated 5 October 2016.
 - The development proposed is a garage conversion and first floor front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion and first floor front extension at 11 Langdale, Guisborough TS14 8EZ in accordance with the terms of the application, Ref: R/2016/0419/FF, dated 27 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016.042.PPO1.A – Plans and Elevations.
 - 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. It is common ground between the parties that the proposed extension will not have an adverse effect on the character and appearance of the existing house or the surrounding area, and that adequate parking provision can be accommodated at the property. Therefore, the main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring residential property, at number 9 Langdale, with particular regard to overbearing and over-dominance.

Reasons

3. One of the core planning principles of the National Planning Policy Framework (the Framework) is that new development is of a high standard of design that provides a good standard of amenity for all existing and future occupiers of land.
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4. Number 11 Langdale is a two storey, detached, house with an integral garage that projects approximately 3.1 metres from the main front wall of the building. It is proposed to convert the garage to a habitable room and to construct a first floor extension over the projecting garage to provide additional floor space within an existing bedroom. This extension would have a gabled frontage with a pitched roof running back into the main roof of the house.
5. Number 9 Langdale is a detached bungalow located to the south of the appeal building. The side wall of number 11 Langdale is located approximately 1 metre from the common boundary with number 9. The side wall of number 9 is located approximately 1.5 metres from the common boundary and, consequently, there is currently not a large degree of separation between the two houses. On the side elevation of number 9, facing number 11, is a combined door and window serving the kitchen of the bungalow. This is located just behind the front wall of the garage at the appeal building and currently looks out onto the side wall of the garage.
6. When I visited the appeal site I was able to view the appeal building from the kitchen of the neighbouring bungalow. Due to the relative positions of the houses, the existing projecting garage at the appeal building is currently very prominent when viewed from the kitchen window of number 9. Whilst the proposed extension would increase the height of the frontage of number 11, as the existing projecting garage already constrains the outlook from this window to a very large degree, I do not consider that the resulting additional enclosure from the proposed extension would make this significantly worse than the existing situation.
7. I saw that the kitchen area of number 9 was not large enough to accommodate a dining table or a seating area, and kitchens are not generally regarded as principal habitable rooms. Therefore, whilst there would be some limited increase in the degree of enclosure that is experienced within this room and a small impact on the outlook from it, as it is not a room where the occupiers would normally spend significant amounts of time other than for activities such as preparing food, the effect on the living conditions of the occupiers would be very limited.
8. As the proposed extension is located to the North of the kitchen window in number 9 there would be no loss of direct sunlight to this window. There would be some reduction in daylight as a result of the increased height, but there is no substantive evidence to show that this would be reduced to below the minimum levels recommended by the Building Research Establishment. No windows are proposed in the side elevation of the extension facing number 11 and, as the existing window in the side wall of the garage is shown on the submitted plans as being blocked up, there would be no overlooking of the kitchen window in number 9 or loss of privacy to the occupiers as a result of the proposal.
9. The Redcar and Cleveland Residential Extensions and Alterations Supplementary Planning Document 2013 (SPD), which has to be read alongside the more general design policies in the Redcar and Cleveland Core Strategy 2007 (Core Strategy), and the Redcar and Cleveland Development Policies Development Plan Document 2007 (DPDPD), sets out various requirements in respect of the design of domestic extensions. With regard to front extensions, the guidance in the SPD mainly relates to the visual effect of front extensions

which is not a matter in dispute in this case. It is silent with regard to the effect of front extensions on the living conditions of the occupiers of neighbouring properties.

10. Although the proposed extension would have a minor effect on the kitchen window of number 9 as a result of the increased height, this is not a principal habitable room and none of the principal habitable rooms in the property would be affected by the proposal. No other adverse impacts have been identified by the Council. Within this context, the proposed extension would not significantly prejudice the living conditions of the occupiers of number 9 Langdale.
11. I therefore find that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring residential property, at number 9 Langdale, with particular regard to overbearing and over-dominance. It would comply with the relevant requirements of Policy CS20 of the Core Strategy and Policies DP2 and DP3 of the DPD which seek to ensure that new development is of a high standard of design and does not have an adverse impact on the amenities of occupiers of existing or proposed nearby properties. It would also be consistent with the guidance in the Framework, which also seeks a good standard of amenity for all occupiers.

Other matters

12. The Council has not raised any concerns in respect of the proposed conversion of the garage to a habitable room. From the evidence before me and from what I saw when I visited the site, I have no reason to reach a different conclusion. Concerns in respect of the need for the extension or the presence of restrictive covenants on the property are not matters which would justify withholding planning permission.

Conditions

13. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission I have attached a condition specifying the approved drawings. In order to ensure that the proposed extension is in keeping with the existing building and surrounding area it is also necessary to impose a condition requiring that the materials used in the development match those of the existing building.

Conclusion

14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

John Dowsett

INSPECTOR