

Appeal Decision

Site visit made on 24 April 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/V0728/D/17/3168384
17 Birch Tree Close, Ormesby TS7 9PQ

- 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 Miss Lauren Roberts against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2016/0715/FF, dated 15 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is single storey extension to rear of property.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of residents of 15 Birch Tree Close with reference to outlook and light.

Reasons

3. The appeal site is located to the south of the adjoining property of 15 Birch Tree Close. The proposal is for a single storey extension to the rear, part of which would consist of a garden room projecting approximately 4.5m from the host dwelling.
 4. The Council's Residential and Alterations Supplementary Planning Document 2013 (SPD) states that for semi-detached houses the maximum depth normally acceptable for rear extensions is 3.5m. The proposal therefore would exceed this by approximately 1m.
 5. I saw that the flank gable wall of the proposal would be readily visible from the ground floor rooms and garden area to the rear of No 15, and due to the degree of projection to the rear would have an overbearing and enclosing effect on that property. The extension would also be located to the south of No 15 and would significantly affect levels of sunlight and daylight reaching that property. I also saw that No 15 is set at a slightly lower level than the appeal site, which would exacerbate the effect on outlook and overshadowing arising from the proposal.
 6. I acknowledge that the proposed extension would be set back from the boundary with No 15 and would have a hipped roof. However, I consider that
-

due to the scale and positioning of the proposal, these features would not overcome the harm I have identified above.

7. In support of the appeal the appellant has referred to a previous approval for an extension to the rear of the host dwelling, and that the proposal would only involve an extra 300mm in length. The Council has provided me with a copy of a previous planning permission¹ for the site and I note that this projected approximately 3.78m to the rear. However, with a proposed projection of 4.5m, the comparative increase in length which would result from the current proposal is significantly greater than that referred to by the appellant. I also note that the previous approval included a glazed area to the rear which was angled away from No 15, with a commensurate decrease in the impact on that property. I therefore conclude that this previous approval does not weigh significantly in favour of the appeal proposal.
8. My attention has also been drawn to 21 Birch Tree Close to the south of the appeal site which has an extension running along the full length of the rear garden. However, I do not have full details of the circumstances that applied in relation to that development and cannot be sure that it represents a direct parallel to the appeal proposal. In any case, I have determined this appeal on its own merits.
9. I am mindful that no objections have been received in relation to the proposal. I also note that the appellant states that the increase in length is due to the location of drains at the property. However, these matters do not outweigh the identified harm.
10. I conclude that the proposal would harm the living conditions of the residents of 15 Birch Tree Close due to an overbearing impact on the outlook from the property and overshadowing. The proposal would therefore be contrary to Policies DP2 and DP3 of the Council's Development Policies DPD² which seek to prevent significant adverse impact on the residential amenities of occupiers of nearby properties. These policies are broadly consistent with the core principles of the National Planning Policy Framework with regards to securing a good standard of amenity for all existing and future occupants of land and buildings. The proposal would also conflict with the advice of the SPD with regards to the acceptable depth of rear extensions.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

¹ Application ref: R/2016/0466/FF

² Redcar & Cleveland Local Development Framework: Development Policies DPD 2007