
Appeal Decision

Site visit made on 28 March 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 15 May 2017

Appeal Ref: APP/P4415/D/16/3167223

9 Coppice Gardens, Rotherham S61 4RE

- 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 J McGovern against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/1276, dated 21 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is first floor extension.
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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 neighbouring occupiers with regard to sunlight and outlook.

Reasons

3. The appeal property is a three bedroom detached house which is situated on a relatively small corner plot within a tightly laid out modern housing estate of similar dwellings, semi-detached houses and bungalows. Due to the layout of the development, the garden areas of dwellings are quite small, including that of No.7. Furthermore, the neighbouring property at 11 Coppice Gardens (No.11) is at right angles to the host dwelling. As a result, the rear garden of No.11 runs alongside the rear boundary fence of the appellant's property. The majority of the appellant's outdoor space is situated to the side and south of the host dwelling.
 4. There is an existing single-storey rear extension under a pitched roof which is erected across the full width of the host dwelling. The proposal would be built above this extension at first floor level and would have a pitched roof of the same design and ridge height as the existing dwelling. As such, the proposal would be in proportion with the host dwelling and would not dominate it. Nor would it have any material impact on the streetscene.
 5. The National Planning Policy Framework (the Framework) states that planning and development should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Furthermore, the Council's Interim Planning Guidance – Householder Design Guide (IPG) states that when considering development proposals, account should be taken of the orientation and position of neighbours' windows in relation to extensions. Furthermore,
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such extensions should not significantly reduce the amount of sunlight by casting a shadow over private amenity space or entering the window of a habitable room. The IPG also states that an extension should not have an overbearing effect on neighbouring properties or an unreasonable effect on the outlook of neighbouring occupiers.

6. The host dwelling is set back a significant distance further from the street than its neighbouring property at 7 Coppice Gardens (No.7). As a result, the host dwelling currently extends beyond the adjacent rear elevation of No.7, thereby overshadowing the neighbouring conservatory and part of the rear garden of No.7 which are to the north of the host dwelling. The Council argue that the proposal would not only appear overbearing from the neighbour's property but that it would also cause further loss of sunlight.
7. The existing single-storey extension has a pitched roof which presents a side elevation to the property at No.7. Notwithstanding this, the overshadowing resulting from the existing extension is limited. However, I note that the proposed scheme would extend the first floor of the host dwelling approximately 2.5 metres further than the rear elevation of the existing building at first floor level. This increase in the overall size and extent of the host dwelling would result in a substantial increase in the overshadowing of the garden area of No.7. Given its relatively small garden area, I find that the scheme would have a significant adverse impact on the living conditions of the occupiers of No.7 with regard to sunlight.
8. With regard to the overbearing nature of the proposal, it would be situated approximately 1 metre from the boundary fence between Nos. 7 and 9. It would extend the property to a height of around 5.5 metres at eaves height for a further 2.5 metres along the shared boundary between the two properties. This increase in the scale of the side elevation of the host property would face the garden area of No.7. From the evidence before me, the facing elevation of the proposed extension would consist of a blank brick wall and result in an increased sense of enclosure for the occupiers of No.7.
9. I note that the proposed extension would impinge on the 45 degree line taken from the centre of the first floor rear window to a habitable room at No.7. The extension would be only around 6 metres from that rear window. Therefore, the proposal would not be compliant with the Council's IPG. In addition, I note from the submitted drawing the extent to which the side elevation of the proposal extension would encroach beyond the 45 degree line from the rear bedroom window of No.7. Whilst this would be less than half of the full extent of the proposed extension, I find that the impact of the extension would reduce the outlook range for the occupiers of No.7 and would result in material harm to the living conditions of the neighbouring occupiers of No.7.
10. Therefore, having had regard to the proximity and extent of the proposal in relation to No.7, the relevant guidance and all other evidence before me, I find that the proposed extension would result in significant material harm to the occupiers of No.7 in terms of it being overbearing and with regard to outlook. Despite providing the benefit of additional domestic accommodation for the appellant, I find that such benefit would not outweigh the harm identified.
11. Consequently, I conclude that the proposed development would have a significant adverse effect on the living conditions of neighbouring occupiers with regard to sunlight and outlook. It would therefore not comply with the

Council's IPG and the relevant guidance within the Framework. Amongst other matters, this guidance seeks to ensure that development has no detrimental effect on the living conditions of neighbouring occupiers.

Other considerations

12. I have had regard to the previous appeal decision referred to by both parties regarding the appeal property. However, I note that some information provided in this appeal regarding the impact of the proposed extension on residential amenity with regard to the 45 degree line was not before the previous Inspector. Therefore, I have determined this appeal based on its own merits and on the basis of the submitted evidence before me.

Conclusion

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

Andrew McCormack

INSPECTOR