
Appeal Decision

Site visit made on 18 April 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/U2370/D/17/3169816
8 North Court, Thornton Cleveleys FY5 1JA

- 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 Valentino Staffa against the decision of Wyre Borough Council.
 - The application Ref 16/00764/FUL, dated 30 August 2016, was refused by notice dated 12 December 2016.
 - The development proposed is a rear kitchen extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear kitchen extension at 8 North Court, Thornton Cleveleys FY5 1JA in accordance with the terms of the application, Ref 16/00764/FUL, dated 30 August 2016, the submitted location plan and drawing numbers A016/041/S/01 and A016/041/BR/01A.

Procedural Matter

2. I understand that the development had already been carried out before the application was submitted. As a result, I have determined the appeal on the basis that the application was submitted under Section 73A of the Town and Country Planning Act 1990 (as amended). This has not affected my consideration of the appeal which I have determined on its planning merits.

Main Issue

3. The main issue is the effect of the kitchen extension subject to appeal on the living conditions of occupiers of 7 North Court.

Reasons

4. The appeal property occupies an irregularly shaped plot with a small and tightly confined rear garden. The neighbouring bungalow at number 7 North Court extends further back within its plot than that at number 8. Number 7 has a dining room window in its side elevation, through the top of which there are views towards number 8 over a fence which separates the two properties.
 5. The extension subject to appeal has replaced an earlier small conservatory and extended the rest of the rear elevation of the dwelling outwards by just over 1 metre. It has also replaced an area of flat roof with a higher dual pitched roof and includes a new gabled rear elevation with glazed bi-folding doors.
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6. I have carefully noted the concerns which have been expressed regarding the effect of the extension on the outlook from and lighting provided by the dining room window within number 7. However, whilst the extension has a fairly substantial height of about 4.2 metres this applies only to the apex of its roof, which is set away from the boundary with number 7. It has also not affected the principal front or rear facing elevations of number 7 both of which provide an extensive source of outlook and daylighting for that property as a whole. It is also not clear that the development materially contravenes any technical guidance concerning lighting such as that set out in the Building Research Establishment (BRE) document referred to by the appellant¹. Being to the north of number 7, the extension does not cause any substantive loss of sunlight within that property.
7. Due to the inclusion of the glazed doors across its rear elevation, persons using the extension are likely to be able to see towards the dining room window in number 7. However, this view is at an oblique angle and is available from only part of the extension. Furthermore, due to the siting and sideways facing orientation of the dining room window in number 7 it is likely to have been subject in any event to overlooking from persons using the appeal property before the extension was built. It is not clear that the extension has materially exacerbated this problem.
8. Having regard to all these points I conclude that the extension subject to appeal has not caused material harm to living conditions within number 7. As a result, allowing the appeal would not conflict with the relevant provisions of policy SP14 of the Wyre Borough Local Plan 1999, the National Planning Policy Framework (the 'Framework') or the Council's 'Extending Your Home' Supplementary Planning Document relating to this issue.

Other Considerations

9. The roof of the extension, due to its gabled design, does not reflect the hipped roof form of the original dwelling. However due to its location to the rear of the property it does not substantially affect the street scene or cause material harm to the character or appearance of the area.
10. There is no firm evidence before me to substantiate fears that the extension could give rise to drainage or fire risk problems. Whilst I have carefully considered all other matters raised by interested parties none of these weigh substantially against allowing the appeal.

Conditions

11. The Council's questionnaire identifies that conditions could be imposed concerning the time limit for the start of development, approval of facing materials, and requiring the development to be carried out in accordance with approved plans. However, as the development has been completed none of these conditions are necessary.

¹ 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice ', Building Research Establishment 2011

Conclusions

12. I have found that the kitchen extension subject to appeal has not caused material harm to living conditions within number 7 or in relation to any other matter.
13. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Clarke

INSPECTOR