

Appeal Decision

Site visit made on 22 May 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/M2270/D/17/3170453

11 St Lawrence Avenue, Bidborough, Tunbridge Wells, Kent TN4 0XA

- 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 Jim Webb against the decision of Tunbridge Wells Borough Council.
 - The application, Ref. 16/06946/FULL, dated 14 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is a 2 storey extension, raising roof ridge and roof pitch and external modifications.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the extension on the living conditions for the occupiers of No. 13 St Lawrence Avenue as regards outlook.

Reasons

3. Policy EN1 of the Tunbridge Wells Local Plan 2006 includes a requirement for development proposals not to cause significant harm to the residential amenities of adjoining occupiers. This policy is cited in the Notice of Refusal of the appeal application together with a specific reference to the proposed two storey side extension causing 'an unacceptable loss of outlook' for the occupier of No. 13.
 4. As part of my appeal site inspection of No. 11, I was asked by the Council to visit No. 13 to assess the likely impact of the proposed extension on the first floor bedroom with a window in the western elevation. As with my visit to No. 11, I was afforded access but remained unaccompanied throughout.
 5. The room is a double bedroom with a single aspect towards No. 11 through a three-pane casement window. From much of the room the outlook through the window is at present mainly one of the tile-hung gable of the upper part of No. 11's first floor eastern elevation. However, in moving closer to the window the outlook widens to include the flat roof of the adjoining garage and the pleasing, albeit more oblique, views of the front and rear gardens of No. 13.
 6. A greater extent of the rear garden than the front can be seen, but because of its greater proximity to the window it is arguably the view of the front that
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affords the greater visual amenity. Be that as it may, it was readily apparent that when taken together these angular views towards the front and rear are important to the outlook from the room, insofar as together with the openness above the garage roof they to some extent offset the dominance of No. 11's gable.

7. The appeal scheme would result in an 11m length flank wall over 4m closer to the window than the existing first floor gable. Although the hipped roof would slope away from No. 13 above the eaves, the effect of the extension would be to significantly reduce the existing openness between the two dwellings at first floor level. Part of this reduction would be the further limitation of the oblique views towards the greenery and relative openness of both the front and rear gardens of No. 11, although the aspect towards the rear garden would be the more affected.
8. The overall impact would be to unacceptably reduce the outlook from the bedroom window of No. 13 to a level at which I consider the extension would be overbearing and harmful to the living conditions for the occupiers. This effect would be in conflict with both the aforementioned Local Plan Policy EN1 and the fourth core land-use planning principle of the National Planning Policy Framework 2012, which is to ensure that development results in a good standard of amenity for all existing and future occupants of land and buildings.
9. I have taken account of the appellant's Building Research Establishment light tests, but the Council challenges these in some respects and in any event my understanding is that a loss of light is not part of the Council's case in this latest application. I have therefore not relied in my decision on the effect on light currently enjoyed in the bedroom, although common sense suggests that there must be at least some loss of light given the extent of the alterations proposed and the window's westward orientation.
10. I have noted the appellant's point that the occupier of No. 13 has no right to a view over the rear garden of No. 11, but some degree of inter-visibility between properties is the norm in suburban locations and forms part and parcel of the outlook from many of the rooms and a positive aspect in the living conditions. I have also noted the appellant's suggestion to look at other building relationships in the local area, but it is the particular circumstances in this case, including the visit to the affected bedroom, that are the determining factors.
11. The grounds of appeal also consider that the Council has dealt with the application inconsistently and unfairly. However, even if this were to be fair comment I have made my Decision with an independent planning judgement reached with the benefit of comparing the existing outlook from the bedroom with the future outlook if the development were to go ahead, whilst also taking into account the representations made from all the parties.
12. It is on this basis that I consider that I should dismiss the appeal.

Martin Andrews

INSPECTOR