
Appeal Decision

Site visit made on 23 May 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 20th June 2017

Appeal Ref: APP/H3510/D/17/3172732

57 Peterhouse Close, Mildenhall, Suffolk IP28 7NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr Simon Dobbin against the decision of Forest Heath District Council.
 - The application (Ref DC/16/2613/HPA), dated 17 November 2016, was refused by the Council by notice dated 5 January 2017.
 - The application was made under section [191(1)(a)] [191(1)(b)] [191(1)(c)] [192(1)(a)] [192(1)(b)] of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a single storey rear extension which extends beyond the rear wall of the original house by 5 metres with a maximum height of 3.2 metres and a height of 3 metres to the eaves.
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Preliminary matter

1. The description of the development above is that used by the Council. I have taken into account the full description provided on the application form.

Decision

2. The appeal is dismissed.

Reasons

3. The main issue is the effect of the proposed extension on the living conditions of neighbouring occupiers, in terms of natural light and outlook. The appeal property is a terraced house with an existing rear extension containing an annex to the living room and a covered external area outside the existing kitchen used as an open sided utility room. The proposal to add substantially to this extension would introduce flank walls of up to 3.2 metres (m) high 5 m long on the boundaries of the rear gardens of each of the neighbouring houses at No. 56 and 58.
 4. The rear elevation of the terrace faces north and the proposed elongated extension would further obstruct summer morning sunshine to the ground floor rear windows and garden of No. 56 and evening sunshine to the rear of No. 58. There would be a commensurate reduction in general levels of daylight reaching the kitchen of No. 56 and the lounge of No. 58 due to the 3.2 m height of the proposed extension where it meets the wall of the house. The impact on natural light would be particularly noticeable to the occupants of No. 58 because their living room window is close to the boundary. Outlook from
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these rooms would also be noticeably further restricted compared with the current position. The height of the extension would be unacceptably overbearing. The detrimental impact on living conditions would be so serious as to be unreasonable for the occupants of No. 58, who would find that a large proportion of their garden would also be denied summer evening sunshine. The rear gardens are about 10 m long and the proposed extension would be between 3 and 3.2 m high along approximately half of the western boundary.

5. The proposed extension would seriously affect the level of amenity experienced by the occupants of No. 58. I have taken this view in spite of the letter from the occupant of that dwelling expressing the view that the new extension would not result in any harm. The effect on the occupants of No. 56 would be less significant because of the location of the living room window of that property away from the boundary with No. 57 and the location of this dwelling at the end of the terrace. In making this assessment, I have had regard to the representation from the occupants including their different health conditions.
6. No development plan policies formed part of the Council's consideration of the application and the refusal notice refers to the National Planning Policy Framework (NPPF). The overall impact on living conditions would conflict with a core principle of the NPPF, set out at paragraph 17, that a good standard of amenity should always be sought for all existing and future occupants of land and buildings.
7. I have taken into account the needs of Mr Dobbin who has permanent mental and physical injuries following an unprovoked attack, is permanently bedridden and requires care for the rest of his life. There is no doubt that he would benefit from the proposed improvements which are recommended by an occupational therapist. I recognise that he is familiar with his home surroundings. I have taken into account the helpful plan provided by the appellant's agent which shows the necessary manoeuvring space needed. However, recognising the severity of Mr Dobbin's injuries and his long term needs, the proposed extension would be permanent. The proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. The detrimental impact on the natural light received by the occupants and future occupants of No. 58 due to the length and height of the proposed extension seriously conflicts with national policy guidance and is decisive in this instance.
8. For these reasons, the appeal must be dismissed.

Paul Jackson

INSPECTOR