

Appeal Decision

Site visit made on 20 June 2017.

by G Powys Jones MSc FRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/C1625/D/17/3172446

Trailend, Cowle Road, Stroud, Gloucestershire, GL5 2JR

- 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 Doug Hawkins against the decision of Stroud District Council.
 - The application Ref S.17/0062/HHOLD, dated 15 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is a 2-storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Arrangements had been made for me to assess the proposal from a neighbouring property, 2 Bowbridge Lane, which I did.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the residents of 2 Bowbridge Lane with specific reference to visual impact.

Reasons

4. The appeal property is one of a pair of semi-detached properties lying at the end of a secluded cul-de-sac, off Bowbridge Lane. The adjoining dwelling has been extended to the side in two-storey fashion, and the appellant wishes to similarly extend, albeit utilising a far different design. The Council raises no objection to the proposal's appearance, and I have no reason to object to this particular aspect either.
 5. Two sets of neighbouring residents objected to the scheme, and the Council's refusal of planning permission is based on points raised by one of them. Judging from the Development Control Committee minutes put before me, members attributed more weight to the views of the residents of 2 Bowbridge Lane than to the advice of its officers, who had recommended approval.
 6. The appeal property has been extended before, to the rear. The intention now is to extend to the side, at the same height as the existing eaves, for virtually the full depth of the dwelling, including the depth of the previous extension.
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7. According to the annotated, dimensioned plans, the 2-storey extension would be over 9.0m long and 4.2m wide, and the appellant acknowledges that this would be a 'large' extension. It's footprint would occupy the full width of the access drive alongside the house, and beyond. Judging from the plans, a gap of less than 2m would be left between the side wall of the proposed extension and the common boundary between the appeal property and 2 Bowbridge Lane.
8. In relation to the Council's specific objection, the appellant says:
'We also believe it would cause no unacceptable adverse affect on the amenities of the neighbouring occupants, being as it is some 2 metres from their boundary and approximately 8 to 9 metres on a roughly 45 degree angle from their nearest window, which is approximately 1.8 metres above our ground level.'
9. The Council's officers say:
On balance, while it is acknowledged that the proposed extension would be visible and have some perceived impact of overbearing to the neighbouring properties, the proposal is not considered to harm the living conditions of any neighbouring occupiers to an extent to warrant refusing the application.
10. As previously indicated, I visited one of the neighbouring dwellings, 2 Bowbridge Lane. Its nearest window to the proposal is a large ground floor bay serving a sizeable split-level room incorporating a lounge, kitchen and dining area. The bay window provides an extensive southerly outlook towards the hills on the other side of the valley. Alongside this room, accessed from it, is an elevated terrace, used for sitting out and dining, weather permitting. Below the terrace and the bay window is a lawn with planted surrounds, forming part of the property's large garden.
11. The views expressed by the appellant and Council officers are noted. Whilst a formulaic approach can be of some assistance, to my mind, judgments involving an amenity-based assessment of impact, are essentially and more appropriately subjective in nature.
12. By reason of its scale, bulk, height and close proximity to the boundary, I take the view that this large proposed extension, notwithstanding its' staggered juxtaposition and level differences, would make 2 Bowbridge Lane a far less pleasant place in which to live. The proposed extension would bring high and bulky development unacceptably close to a large window serving the dwelling's main habitable room; it would be so noticeable from No 2's bay window, terrace and garden that it would prove excessively dominating and oppressive to its residents. The extension, if built, would understandably be perceived as overbearing by No 2's residents.
13. I therefore conclude that the development would prove un-neighbourly and would harmfully affect the living conditions currently enjoyed by the residents of 2 Bowbridge Lane by reason of adverse visual impact.
14. Accordingly, a conflict arises with those aspects of policies CP14, ES3 & HC8 of the Stround District Local Plan, which provide, in combination, that permission will not be granted to any development which would be likely to lead to an unacceptable effect on neighbouring amenity, or that having an overbearing effect on neighbours.

Other matters

15. In respect of the objection raised by the residents of 2 Cowle Road, I am satisfied that they would not suffer loss of privacy, for the same reasons as those set out by Council officers in their report. I also note that the Town Council chose not to comment on the proposal.
16. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR