

Appeal Decision

Site visit made on 7 June 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 06 July 2017

Appeal Ref: APP/U1620/W/17/3170144

8 Otter Road, Gloucester GL4 5TF

- 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 Mrs Debbie Massey against the decision of Gloucester City Council.
 - The application Ref 16/01568/FUL, dated 18 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is two storey extension to rear and loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with regards to privacy, outlook, daylight and sunlight.

Reasons

3. The appeal property comprises a detached house within a row of 3 dwellings that are located on an access drive at approximately 90 degrees to Otter Road. As such, their front elevations face the side elevation and the rear garden of 6 Otter Road (No 6) at a relatively close proximity.
 4. The proposal would involve the insertion of dormer windows on the front elevation at 2nd floor level. These windows would have views over the rear garden of No 6. Whilst there are windows on the lower storeys of 8 Otter Road (no 8) the added height of the windows would exacerbate the degree of overlooking. I noted at my site visit that there is landscaping on part of No 6's side boundary and this would partially mitigate the loss of privacy. However, this would not be as effective when this landscaping is not in leaf and it would not preclude the view into No 6's garden from one of the dormer windows. As a result, I consider that the proposal would lead to a significant reduction in the privacy experienced by the occupiers of No 6 when using their rear garden.
 5. Within the proposed rear roof slope bi-fold doors would lead onto a roof deck area/balcony. In practical terms, it seems to me that anyone standing in close proximity of the proposed balustrade would be afforded direct views, albeit at an angle, of the rear gardens of the adjacent properties, 7 and 9 Otter Road (No 7 and No 9). Some views of the gardens are currently possible from the appeal property's rear windows. However, the appeal proposal would increase this possibility to a harmful degree and in this instance the degree of
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overlooking that would result from the appeal proposal would be unduly intrusive.

6. There is a conservatory on the side elevation of No 7 adjacent to the boundary with No 8. There is an open aspect above the boundary fence past the existing rear elevation of No 8 from the rear elevation of the conservatory and the garden of No 7. The appeal proposal would extend the 2-storey flank wall of No 8, in close proximity to the boundary with No 7, by around 3 metres and its ridge height would increase by around 1.1 metres. The visible mass of the predominantly blank flank wall would be substantially extended beyond the conservatory and the rear elevation of No 7 and the open aspect currently available would be considerably reduced. As a result, I consider the extended building would be experienced by the occupiers of No 7 as overbearing when in their conservatory and garden.
7. The Council's Officer Report makes no distinction between sunlight and daylight and it does not include any technical evidence such as sunlight or daylight analysis in relation to this matter. The windows in the rear elevation of No 7's conservatory face approximately south-west. As the 2-storey extension would be positioned approximately south-east of, and in close proximity, to the conservatory it is likely that there would a loss of direct sunlight at certain times of the day received in that room.
8. Furthermore, given the height and proximity of the proposal to the conservatory it would also materially reduce the amount of daylight received in it exacerbating the harm to the living conditions of the occupiers of No 7. No technical evidence has been submitted, but my assessment of the appeal site and its relationship to the proposed development lead me to conclude that it is likely that the proposed development would significantly overshadow the conservatory to No 7.
9. The appellant has drawn my attention to other developments that have been built or approved in the area. However, I do not have the full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. Moreover, since the matter under consideration in this appeal is specific to the site and its immediate surroundings I have given them limited weight. In any case, I am required to determine the appeal on its own merits.
10. In conclusion the proposed development would cause material harm to the living conditions of the neighbouring occupiers with regard to privacy, outlook, sunlight and daylight. Accordingly the development would be contrary to Policy BE.21 of the Second Stage Deposit Local Plan (2002) and contrary to guidance within the Council's '*Home Extension Guide*' Supplementary Planning Document (2008) which, amongst other things, seek development that would not unreasonably affect the amenity of adjoining occupiers.

Conclusion

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

D. Boffin

INSPECTOR