
Appeal Decision

Site visit made on 27 June 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/H4315/D/17/3173089
8 Little Delph, Haydock, St Helens WA11 0YF

- 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 D Toohey against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref APP/H4315/D/17/3173089, dated 3 February 2017, was refused by notice dated 29 March 2017.
 - The development proposed is the construction of a single storey rear garden room and a first floor side extension above an existing kitchen.
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Decision

1. The appeal is dismissed in so far as it relates to the erection of a first floor side extension above an existing kitchen. The appeal is allowed in so far as it relates to the construction of a single storey rear garden room, and planning permission is granted for the construction of a single storey rear garden room at 8 Little Delph, Haydock, St Helens WA11 0YF in accordance with the terms of the application Ref P/2017/0117/HHFP, dated 3 February 2017, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No BS7478/EX/SLP (Existing Site Location Plan); Drawing No BS7478/PR/BLP (Proposed Block Layout Plan); Drawing No BS7478/PR/001 Rev A (Proposed Floor Plans) and Drawing No BS7478/PR/002 Rev B (Proposed Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of No 10 Little Delph in terms of outlook.
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Reasons

3. The appeal site comprises a semi-detached brick built house which is positioned within a modern cul-de-sac of dwellings. No 10 Little Delph, which is also a semi-detached house, is positioned at a right angle to the appeal property such that its rear windows and garden area face onto the side elevation of the dwelling.
4. It is proposed to demolish an existing conservatory to the rear of the property and to replace it with a single storey garden room. Whilst this development would project slightly further into the garden than the existing conservatory, I do not consider that this development would look out of place or cause material harm to the living conditions of neighbouring residential properties in terms of outlook, privacy and outlook. Such an extension would be very similar in terms of scale, appearance and projection to the extension at No 6 Little Delph. There are no windows in the side elevation of the extension of No 6 Little Delph which faces the appeal site.
5. The proposal also includes a first floor extension over the existing side extension. This extension would be acceptable in terms of design, as it would be set well back from the front elevation of the house. However, the adopted St Helens Local Development Framework Supplementary Planning Document Householder Development 2011 (SPD) states that planning permission will normally be granted for a proposed development that *"maintains or provides for a minimum interface distance 12.5 metres for rear habitable room windows to blank elevations or obscurely glazed non habitable room windows at first floor level"*.
6. The proposed first floor side elevation would be about 10.8 metres from the rear windows of No 10 Little Delph. Given the height, bulk and position of such development when viewed from the rear windows of No 10 Little Delph, I consider that this part of the proposal would have a significantly overbearing and enclosing impact to the detriment of the living conditions of the occupiers of such a property. Therefore, I conclude that in terms of the outlook afforded to both existing and future occupiers of No 10 Little Delph, the proposed side extension would not accord with the amenity aims of the SPD or saved policy GEN8 of the adopted St Helens Unitary Development Plan.

Other Matters

7. The appellant has referred to development elsewhere where interface distances have been less than the minimum 12.5 metres standard in the SPD. I do not know the exact circumstances which led to such development being approved, or whether the SPD was in existence at that time. In any event, each application should be determined on its individual merits and I do not consider that there are any material planning considerations which would outweigh the identified conflict with the SPD and Policy GEN 8.
8. I acknowledge that a supportive letter has been received from the occupier of No 10 Little Delph who states *"we have no objection to the proposal made under application P/2017/0117 as it will create no nuisance by way of loss of light, privacy, views or otherwise"*. However, I have found that there would be harm caused in terms of outlook and the National Planning Policy Framework indicates that decisions should be made taking into account the amenities of both existing and future occupiers of properties.

9. None of the other matters raised outweigh or alter my overall conclusion on the main issue.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the approved development is carried out in accordance with approved plans. This is for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area a planning condition is necessary relating to materials.

Conclusion

11. The appeal proposal includes a number of different elements. The proposed rear extension is acceptable in planning terms and accords with development plan policies. This development is clearly severable from the remainder of the scheme, as it is physically and functionally independent. Therefore, I shall issue a split decision in this case and allow the single storey rear garden room.
12. In respect of the proposed first floor side extension, I have concluded that this would have a significantly detrimental impact upon the living conditions of the occupiers of No 10 Little Delph in respect of loss of outlook. Therefore, I dismiss the appeal in respect of the first floor side extension.

Daniel Hartley

INSPECTOR