

Appeal Decision

Site visit made on 12 June 2017

by Clive Tokley MRTPI

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

Decision date: 10 July 2017

Appeal Ref: APP/M2270/D/17/3174365

47 Queens Road, Tunbridge Wells, Kent, TN4 9LZ

- 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 Rebecca Rouse against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/06848/FULL dated 6 October 2016 was refused by notice dated 1 February 2017.
 - The development proposed is described on the application form as a two-storey front extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Clarification and Main Issue

2. Permission is sought for extensions at both the front and rear of the house. The refusal reason refers only to "rear extensions"; however the occupiers of No 45 Queens Road have raised concerns about the front extension and this decision considers both aspects of the proposal.
 3. I have seen correspondence from a neighbouring resident about the description of the proposal with particular reference to the two-storey nature of part of the rear extension. The proposal is clearly illustrated in the submitted drawings and there can be no real doubt about what is proposed; however the inclusion of a reference to the two-storey and single-storey elements within the description on the decision notice results in it being more accurate than the description on the application form.
 4. I was unable to gain access to the appeal site; however I was able to see the site from both within and from the rear gardens of No 45 and No 49 Queens Road and I was able to gain sufficient information to enable me to determine the appeal.
 5. The main issue is the effect of the proposal on the living conditions of the occupiers of No 45 and No 49 Queens Road as regards outlook, light and privacy.
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Reasons

6. No 47 is a detached two-storey house on the north-west side of Queens Road. The house lies between two pairs of semi-detached houses and the original building is separated from each side boundary by narrow passageways. The house has been extended at the rear by a single-storey addition with a pyramid roof. The survey describes this part of the house as a garden room and its flank wall is indicated to be on the boundary with No 45. On the opposite side of the house is a narrow lean-to roofed utility room which extends beyond the rear of the main two-storey part of the house. Part of the upper-floor accommodation is within a flat-roofed element alongside No 45. The front wall of this element of the house is set back from the main front wall of the house.

Outlook

7. The proposed front extension would extend forward of the two-storey flat roofed element at the side of the house with its front wall falling just short of the main front wall of the house. The kitchen of No 45 has two windows in the side wall facing the appeal property which have an outlook onto a small courtyard and the flank wall of No 47. The nearest side window at No 45, in the corner of that room, would have an oblique outlook towards the flank wall of the proposed front extension. The proposal would also be seen, at a greater distance and narrower angle, from the glazed doors onto the courtyard that serve the dining area. I consider that as a result of the narrow angles of view the front extension would not materially detract from the outlook through any of the windows from within No 45. The extension would be visible from the narrow courtyard at the side of the house; however it would not be directly alongside the courtyard and as a result of the angle of view it would be seen in a foreshortened form and would not be an unacceptably over-dominant building.
8. The proposed rear extension would increase the size of the garden room and enlarge two bedrooms that would extend above it. The proposed first floor addition would be offset from the boundary with No 45 and the ground floor flank wall adjacent to No 45 would be unchanged. The rear wall would extend beyond the line of rear wall of the single-storey extension at No 45; however as a result of the angle of view the proposal would have a very limited effect on the outlook from the glazed doors at the rear of that property. The rear extension would be seen from the decked area at the rear of No 45 but taking account of the offset from the boundary and the limited rearward projection I consider that it would not be unacceptably over-dominant.
9. The only rear-facing glazed openings at 49 are towards the north-eastern end of the rear wall and the proposal would have no material effect on the outlook from those glazed doors. The two-storey extension would project beyond the line of the rear wall of No 49 but it would be off-set from the boundary. Whilst the proposal would add to the bulk of No 47 at the rear I consider that it would be sufficiently distant from the side boundary to prevent it from being unacceptably over-dominant when seen from the rear garden and side way of No 49.
10. The central kitchen and living room of No 49 is served by windows and glazed doors in the side wall facing No 47. For the most part the outlook from the

windows is limited to the side boundary fence with the flank wall of No 47 beyond. From within the room, when looking up and at an angle to the right, there is a limited view of the sky and the tops of trees above the hipped roof of the lean-to side extension. The proposal would obscure this view; however taking account of the angle of view the additional length of the first floor flank wall would not be unacceptably overbearing and would not materially detract from the outlook from the kitchen and living room. As a result of the wider angle of view the effect on the utility room (which is further towards the rear of the house) would be greater but this is not a main living room and the effect would not be sufficient to justify the refusal of permission.

Light

11. The occupiers of No 45 and 49 Queen's Road have submitted a letter from "Right of Light Consulting" (RLC). The author of the letter is described as a Right of Light Surveyor with a Bachelor of Laws degree; however there is no indication that its author has any qualification as regards sun lighting and day lighting. The letter indicates that a "Case Appraisal" has been carried out but I have not seen a reasoned assessment of the proposal. The letter indicates that the proposal is "likely" to breach a number of tests in the Building Research Establishment good practice guide but in the absence of a full assessment and analysis I give these conclusions limited weight.
12. The first floor rear extension would be to the north east of the rear wall of the extension at No 45. As a result of the limited projection beyond that wall combined with the orientation of the dwellings the proposal would have a very limited effect on natural light reaching the rear glazed doors of No 45. The orientation would also rule out any material loss of direct sunlight to the rear garden of that dwelling.
13. Side windows of No 45 face north east and receive light from above and reflected light from the flank wall of No 47. The front extension would obscure part of the sky that is currently visible in angled views from the corner window and may result in the loss of some direct sunlight from the south east that may reach the room from the narrow angle between the buildings. However I consider that overall the effect on natural light reaching the kitchen and living room and the dining area through the side windows and glazed doors would not be materially harmful.
14. The glazed doors in the rear wall of No 49 are towards the north-eastern end of that wall and the proposal would have no material effect on light reaching the room served by them. The kitchen and living room at No 49 is lit by two large windows and a glazed door (via a glazed porch). Taking account of the acute angle I consider that the proposal would have no discernable effect on the light reaching the window in the kitchen area. The porch has lower window heads than the living room/kitchen and receives light from three sides. I consider that the proposed rear extension would have very little effect on the "borrowed light" reaching the living room/kitchen from the porch.
15. The window in the living room area is further to the north-west and that part of the room gains some light from the area of sky currently visible beyond the rear wall of the house. I do not have a detailed assessment but from my observations the westerly outlook and the presence of the ground floor and first

floor elements of No 47 would limit the extent to which direct sunlight would be interrupted by the proposal. Nevertheless I consider that by obscuring the sky the proposal would be likely to have a material effect on light reaching the living room area. The location of the rear extension to the south west of the rear patio of No 49 would be likely to result in the loss of some direct sunshine reaching the patio immediately to the rear of the house in the afternoon and evening.

Privacy

16. When standing on the patio at No 49 I could see the upper parts of the windows and glazed doors in the side wall of garden room at No 47 above the boundary fence. The proposal would result in the glazed doors being about 2.5m closer to the side boundary and being set further back into the garden, thereby widening the field of view. Whilst the fence would limit downward views I consider that the proximity of the glazed doors would result in a perception of over-looking and actual overlooking of the rear garden of No 49 and this would be exacerbated by the difference in level between the dwellings.
17. New sideways-facing windows are proposed in the extended bedrooms numbered 3 and 4. However these rooms are served by other windows and to avoid overlooking the windows could be glazed in obscured glass and be non-openable. A resident of Stephens Road (at the rear) expresses concern about overlooking but the distance between the dwellings would prevent an unacceptable loss of privacy.

Overview of effect on living conditions

18. The appeal property was the subject of a dismissed appeal (ref APP/M2270/D/16/3148976) and that decision is a material consideration in my determination of this appeal. That proposal did not include a two-storey rearward projection; however it was taller and bulkier than the current proposal. I have noted the Inspector's observations about the side windows and the rooms served by them and borne them in mind in my consideration of this appeal; however I have determined this appeal on its own merits.
19. I have concluded that the proposal would have a limited effect on outlook from the immediately neighbouring properties and it would not be unacceptably over dominant when seen from them. For the most part the proposal would have a limited effect on light reaching the interior of the adjacent dwellings; however I consider that the proposal would unacceptably detract from the natural light reaching the living room/kitchen of No 49. The proposal would further erode the amenities of the occupiers of No 49 by cutting out some direct sunlight to the rear patio and by increasing the sense of overlooking and actual overlooking of that patio area.
20. As a result of these factors I consider that the proposal would cause significant harm to the residential amenities of the occupiers of No 49 Queens Road and would conflict with Policy EN1 of the *Tunbridge Wells Local Plan 2006* and with one of the core planning principles set out within the National Planning Policy Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

21. Taking account of all matters I have concluded that the proposal would unacceptably detract from the living conditions of the occupiers of No 49 Queens Road as regards light and privacy and that the appeal should not succeed.

Clive Tokley

INSPECTOR