
Appeal Decision

Site visit made on 4 July 2017

by J Wilde C Eng MICE

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

Decision date: 20 July 2017

Appeal Ref: APP/D0121/D/17/3175436
8 Fairleigh Road, Clevedon, BS21 7XA

- 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 M Bearman against the decision of North Somerset Council.
 - The application Ref 17/P/0145/F, dated 10 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is a ground floor and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the privacy of the occupiers of 7 Sunnyvale Road.

Reasons

3. The appeal building is a detached two storey dwelling set in a relatively small plot. There are currently two first floor windows facing rearwards towards 7 Sunnyvale Road, which is a bungalow with three windows facing the appeal property.
4. The proposed development would result in the rear facing windows of the appeal property moving about 3m closer to the rear elevation of No 7, resulting in a distance of just over 17m between the respective elevations.
5. The Council's Residential Design Guide Supplementary Planning Document (DG) makes clear at section 3.2 that *the privacy of neighbouring properties will normally be preserved by maintaining a distance of at least 21 metres between a proposed upper floor window and existing habitable room windows*. The proposed development would therefore be in breach of the guidelines. I acknowledge that the DG says *normally*, but consider that there are no mitigating factors in this particular case such as topography or screening that would indicate that the recommended guidelines should be reduced.
6. There would be a clear view from the proposed rear facing windows into the windows of No 7. Furthermore, somewhat more of the garden area of No 7 would be visible from these windows than at present over the wooden fence. The situation in respect of the privacy of the occupiers of No 7 would therefore be worsened. The proposed development would therefore conflict with policies

DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1). Both of these policies seek to ensure, amongst other things, that proposed development does not prejudice the living conditions of the occupiers of adjoining property.

7. In arriving at this conclusion I have noted the appellant's comments in respect of what may be permitted under the General Permitted Development Order 2015 and also the distances cited within that document. I accept that the possibility of using permitted development rights to achieve a similar (albeit somewhat smaller) extension to that proposed is a material consideration.
8. However, in this particular case, I have not been provided with sufficient evidence to persuade me that such a fallback position would necessarily be open to the appellants, and nor am I persuaded that if it were, there is a reasonable prospect that it would be implemented. In any event the proposal before me has to be considered on its own merits in respect of the individual conditions pertaining and in light of the adopted development plan.

Conclusion

9. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR