
Appeal Decision

Site visit made on 4 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMi MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/A3010/D/17/3175459

22 Dryden Dale, Worksop S81 0ET

- 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 A1 Housing against the decision of Bassetlaw District Council.
 - The application Ref 17/00013/HSE, dated 5 January 2017, was refused by notice dated 8 March 2017.
 - The development proposed is described as “an extension to back of property for wheelchair accessible single bedroom and wet room.”
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension for wheelchair accessible single bedroom and wet room at 22 Dryden Dale, Worksop S81 0ET in accordance with the terms of the application, Ref 17/00013/HSE, dated 5 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BH0512.3 (Site Plan); BH0512.4 (Existing Block Plan); BH0512.5 (Proposed Block Plan); BH0512.1 (Footprint); and BH0512.2 (Elevations - both sheets).
 - 3) No development shall take place until details of the proposed colour of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted into the southern elevation.

Procedural Matter

2. I have used the description of the proposal from the Council’s decision notice as it provides greater clarity on the scale and position of the extension.

Main Issue

3. The main issue is the effect of the appeal proposal on the living conditions of the occupiers of No 24 Dryden Dale, with particular regard to outlook and sense of enclosure.

Reasons

4. The appeal property is one of a pair of semi-detached dwellings with the attached property, No 24 Dryden Dale, lying to the south of No 22 (and the proposed extension). As annotated on the submitted plans, the proposed single storey, flat roof extension would be set back around 0.5 metres from the shared boundary with No 24. The dimensions stated are that it would be 3.04 metres high, 3.7 metres wide and would project 6.5 metres from the rear elevation of No 22.
5. At ground floor level, the rear elevation of No 24 includes a patio door closest to the boundary with No 22 and then a window beyond. Nos. 22 and 24 are divided by a substantial existing fence which is around 2 metres in height. The height of the proposed extension would be about 1 metre above the fence but, as noted above, it would be set back off the shared boundary. Although the extension would be seen above the fence, I am satisfied that its relatively limited height and the setback proposed would be sufficient to ensure that there would be no material harm in terms of outlook for adjoining occupiers. Neither, given the size of the rear gardens here and the absence of built development projecting from the rear of No 22 on the far side of the garden, would there be any undue sense of enclosure. There would be no conflict, therefore, with policy DM4 of the Bassetlaw Core Strategy and Development Management Policies, which, among other things, seeks to protect such interests.
6. In reaching this conclusion I have noted the appellant's case that, under permitted development rights,¹ an extension of up to 6 metres in depth and with a height of up to 3 metres to eaves could be erected. However, any such development would need the prior approval of the Council. Moreover, there is nothing to indicate that, were this appeal to fail, such development would be pursued. As such, I have considered the development proposed only on its own particular merits. Similarly, whilst I am aware that the extension is required to meet special needs of a member of the appellant's family, personal circumstances and related needs are essentially temporary, whilst the proposed development would be permanent. Such considerations have not, in this instance, contributed to my decision.

Conclusion

7. The appeal should succeed and planning permission should be granted subject to conditions.
8. In terms of conditions, and in addition to the standard time limit on commencement of development, it is necessary to list the relevant plans as this provides certainty. The colour of the external finish to the extension also needs to be agreed with the Council in the interest of visual amenity. In addition, a condition removing permitted development rights in relation to the addition of any windows, doors or other openings on the elevation facing No 22 is justified in this instance, in order to protect the privacy of adjoining occupiers.

Rachael A Bust

¹ Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A with the temporary increased limits until 30 May 2019.

INSPECTOR