
Appeal Decisions

Site visit made on 10 July 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 25 July 2017

Appeal A Ref: APP/H3320/D/17/3176290
The Outback, 9A Reed Close, Watchet TA23 0EE

- 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 Craig Walsh against the decision of West Somerset Council.
 - The application Ref 3/37/17/001, dated 6 February 2017, was refused by notice dated 30 March 2017.
 - The development proposed is erect a first floor extension over the existing garage and carport. The proposed extension is to be used as a granny annex.
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Appeal B Ref: APP/H3320/D/17/3176293
The Outback, 9A Reed Close, Watchet TA23 0EE

- 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 Craig Walsh against the decision of West Somerset Council.
 - The application Ref 3/37/17/012, dated 1 April 2017, was refused by notice dated 19 May 2017.
 - The development proposed is erection of a first floor extension over the existing garage and carport to be used as an annex – resubmission of 3/37/17/001.
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Decisions

1. **Appeal A is allowed** and planning permission is granted to erect a first floor extension over the existing garage and carport, the extension to be used as a granny annex, at The Outback, 9A Reed Close, Watchet TA23 0EE in accordance with the terms of the application, Ref 3/37/17/001, dated 6 February 2017, subject to the conditions set out in the attached schedule.
2. **Appeal B is allowed** and planning permission is granted for erection of a first floor extension over the existing garage and carport to be used as an annex at The Outback, 9A Reed Close, Watchet TA23 0EE in accordance with the terms of the application, Ref 3/37/17/012, dated 1 April 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

3. The Council has refused planning permission for two alternative proposals on the same site. The schemes have differing designs, but are sufficiently similar to enable me to deal with them in a single decision.
 4. At the Council's request, I made an assessment of the proposals from the rear gardens of Nos 21, 22 and 23 Admirals Close.
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5. Revised plans were submitted during the course of the second application to substitute roof lights in place of a window on the north elevation. The Council made its decision against the amended plans and I shall determine Appeal B on the same basis.

Main Issue

6. The Council has no objection to the appearance of the proposed extension in either case. I have no reason to take a different view.
7. The main issue common to both appeals is the effect of the proposal on the living conditions of the occupiers of the neighbouring bungalows at Nos 21, 22 and 23 Admirals Close, with particular reference to outlook, privacy, sunlight and daylight.

Reasons

8. No 9A Reed Close is a detached 4-bedroom dwelling within a corner plot of land formerly occupied by a communal garage court. The property has an attached single-storey garage and carport which projects in the direction of Admirals Close. The proposals are to build a first floor extension above this wing to create a residential annex for a dependent relative.
9. Under Appeal A the proposed extension would follow the same eaves height as the main dwelling. For Appeal B the gutter line would be lower with the first floor windows spanning the eaves in a dormer style arrangement. The ridge height would be 500mm lower than the first scheme.
10. The existing outlook from 21 Admirals Close westwards is towards the appeal property's two-storey flank wall and the gable wall of its single-storey garage. Both appeal schemes would have the effect of bringing the two-storey element closer to No 21, but in my opinion neither would be overbearing to the occupants of this property.
11. In each case the extension would be set back from the boundary with a gable span significantly narrower than that of the dwelling. This would result in a subservient roof ridge. The consequent massing would be marginally less in the case of Appeal B. However, neither development would be unduly dominant for the occupiers of No 21. There would undoubtedly be a change in outlook but the visual impact would fall within acceptable parameters.
12. The Council's decision notices also make reference to the effect on Nos 22 and 23 Admiral Close. Both designs of extension would be visible from these properties but the offset relationship and separation distance means that they would not be intrusive or result in a detrimental loss of outlook.
13. The position of the appeal property relative to the path of the sun means that it already casts a shadow towards the adjoining bungalows during the late afternoon and evening. Both appeal schemes would be likely to give rise to some additional overshadowing of adjoining gardens, depending on the time of year, but in my judgement this would not be so significant as to cause harm. There is no substantive evidence to demonstrate that neighbouring occupiers would experience a material reduction of daylight either within their properties or gardens.

14. Whilst I note the neighbours' concerns regarding overlooking, any views of the gardens belonging to Nos 21 and 22 would be at a very oblique angle. The views towards No 23 would be at greater distance and less direct in character compared to those already available from the first floor windows of properties in Mariners Way. I am therefore satisfied that there would be no material loss of privacy for residents of Admiral Close.
15. Accordingly, I conclude that neither proposal would have an unacceptable adverse impact on the living conditions of the occupiers of Nos 21, 22 and 23 Admirals Close. There would be no conflict with Policy SC1 of the West Somerset Local Plan to 2032 insofar as it seeks to ensure that development does not harm the amenity of adjoining land uses.
16. The decision notice cites Saved Policy BD/3 of the West Somerset Local Plan (2006). However, this policy relates to the appearance of the development and not its effect on the living conditions of neighbours. As such, it is not relevant to the main issue in these cases.

Other Matters

17. My attention has been drawn to restrictive covenants which were imposed when the Council disposed of the land. However, the enforcement of covenants is a private matter which has no bearing on my consideration of the planning merits of either appeal.
18. Although concerns have been raised regarding the effect on property values in the area, this has carried very limited weight in my assessment.

Conditions

19. In addition to the standard commencement condition, I have attached conditions to provide certainty over the approved plans and to secure matching materials in the interests of the character and appearance of the area. A condition to remove permitted development rights for windows and openings above ground floor ceiling level in the east elevation is required to protect the privacy of neighbours.
20. Finally, in recognition of the fact that the development would share parking and amenity space with the existing dwelling, it is reasonable and necessary to impose a condition restricting occupancy of the extension to purposes ancillary to the main dwelling. This would preclude its use as a separate dwelling.
21. The case officer report recommended a condition to secure the obscure glazing and fixing shut of the roof lights on the north elevation under Appeal B. However, these openings would have a high internal sill level and as such the condition would be unnecessary. A condition to ensure that the garage remains available for parking would also be unreasonable, given the size of the driveway.

Conclusion

22. For the reasons given above I conclude that both appeals should succeed.

Robert Parker

INSPECTOR

APPEAL A: SCHEDULE OF CONDITIONS

APP/H3320/D/17/3176290

- 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: Drawing nos 1174.1/200B and 1174.1/201.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Outback, 9A Reed Close, Watchet.
- 5) 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, doors or other openings shall be shall be constructed above ground floor ceiling level on the east elevation of the extension hereby permitted.

APPEAL B: SCHEDULE OF CONDITIONS

APP/H3320/D/17/3176293

- 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: Drawing nos 1174.1/200B and 1174.1/201B.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Outback, 9A Reed Close, Watchet.
- 5) 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, doors or other openings shall be shall be constructed above ground floor ceiling level on the east elevation of the extension hereby permitted.