
Appeal Decision

Site visit made on 25 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 4th August 2017

Appeal Ref: APP/D0515/D/17/3177774

29 Fairway, Chatteris, Cambridgeshire PE16 6SX

- 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 S Andrews against the decision of Fenland District Council.
 - The application Ref F/YR17/0153/F, dated 22 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is demolition to rear flat roof section of existing dwelling and erection of a single storey lean to construction to rear and right hand side of dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, in the determination of this appeal I have used the one given on the original application.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 27 Fairway with regard to outlook, levels of light and privacy.

Reasons

4. The appeal property and No 27 are an attached pair of semi-detached houses. Within the main rear elevations of both properties windows serving habitable rooms are located close to the side boundary between the dwellings. The proposed extension would extend across the full width of the rear elevation of No 29 to create a kitchen dining room.
5. At present, at No 27, the rear ground floor room is enclosed by a 1.8m tall wooden fence along the side boundary between the two houses. On the other side it is enclosed by its own long rear extension, the eaves level of which meet the top of the window to the ground floor rear room. As a result of the limited height of the fence and extension, this room has a reasonably open outlook with good levels of daylight and is not unduly enclosed by the height of the boundary treatment or its own extension.

6. The proposed development would extend approximately 4.3m to the rear along the side boundary. With its mono-pitch roof starting just below the first floor window sills at No 29 its flank wall would have a height of approximately 3.5m above floor level immediately by the rear elevation. This would reduce to a height of approximately 2.4m at its furthest point away from the building. Owing to the closeness of the wall to the ground floor rear window at No 27 and its tall height, I agree with the Council that the extension would unduly enclose the outlook from the rear ground floor at No 27 and result in a tunnelling effect. As a result, levels of daylight experienced within this west facing part of the house are likely to be lower than it is reasonable to expect during the earlier part of the day.
7. In terms of privacy, a patio at a similar height to the floor level of the proposed extension is present immediately to the rear of No 29 which is successfully screened by the height of the boundary fence close to the house. As a consequence, overlooking of the kitchen within the side of the rear extension at No 27 from the rear steps of the proposed extension and its decking could be prevented by similar means. This is because a kitchen is not a habitable room and does not require an open outlook.
8. The occupiers of No 27 have not objected to the proposed development. However, it is the function of the planning system to secure good living conditions for existing and future occupants of buildings and in this regard the proposal falls short of this goal.
9. My attention has been drawn to other extended properties nearby. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
10. Notwithstanding my favourable findings in relation to privacy, this does not overcome the demonstrable harm that would be caused to the outlook and levels of daylight experienced within the rear of No 27. I therefore conclude that the proposed development would result in a poor outlook from the rear ground floor window within the main part of the house at 27 Fairway and result in levels of daylight that are likely to be lower than it is reasonable to expect. As a result, the proposed development would unacceptably harm the living conditions of the occupiers of No 27, contrary to policies LP2 and LP16 of the Fenland Local Plan which seek to ensure a high level of residential amenity¹ by, for example, ensuring that new development does not impact on the amenity of neighbours.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be dismissed.

Ian Radcliffe

Inspector

¹ In planning, the terms 'residential amenity' and 'living conditions' have the same meaning.