
Appeal Decision

Site visit made on 21 August 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 05 September 2017

Appeal Ref: APP/E3715/D/17/3176510
50 Southfield Road, Rugby CV22 5NJ

- 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 Hilary Mills against the decision of Rugby Borough Council.
 - The application Ref R16/2584, dated 12 December 2016, was refused by notice dated 5 April 2017.
 - The development proposed is double storey rear extension and internal alterations. Detached garage to rear of garden.
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Decision

1. The appeal is allowed and planning permission is granted for double storey rear extension and internal alterations. Detached garage to rear of garden at 50 Southfield Road, Rugby CV22 5NJ in accordance with the terms of the application, Ref R16/2584 dated 12 December 2016, subject to the following conditions:
 - (i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the approved plan 'Existing and Proposed Details, Drawing No 01 Rev B.'
 - (iii) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
 - (iv) No windows shall be installed within the double storey rear extension at first floor level, other than those shown on the approved drawing, unless otherwise agreed in writing by the local planning authority.

Procedural matter

2. The Council's concern for the development proposed relates to the rear extension. In the absence of any evidence to suggest concerns to the contrary, I have considered the appeal on the same basis.

Main Issue

3. This is the effect of the proposal on the living conditions of the occupiers of No 52 Southfield Road, with particular regards to light.

Reasons

4. The appeal site concerns a semi-detached property which adjoins No 52 Southfield Road. Within the rear elevation and at first floor level to No 52 are two windows; the window nearest the shared boundary with the appeal site is to a bathroom, the other, further from the boundary, is to a bedroom.
5. The Design Guide for Residential Extensions (Design Guide)¹ states that to maintain a reasonable relationship between an extension and the amount of light to a habitable room, two storey rear extensions should not cross a line drawn at an angle of 45 degrees from one metre in from the edge of the neighbouring dwelling. The extension would cross a line drawn in this way, limiting the light to the bathroom at No 52. However, a bathroom is not a habitable room and therefore there would be no conflict with the Design Guide. Furthermore, being a room where levels of light have little impact on occupier's enjoyment of this living space, any loss of light to the bathroom would not have a discernible adverse effect on living conditions.
6. The bedroom on the other hand is a habitable room. The bedroom window would be further than one metre from the shared boundary and therefore the development would not interrupt a line drawn 45 degrees from this window. As a result the development would not have a notable effect on the levels of light into the bedroom to be harmful to the occupier's living conditions.
7. In all, therefore, I find that the development would not be contrary to the Design Guide, nor policy CS16 of the Core Strategy² which requires development to safeguard the amenities of existing neighbouring occupiers.

Conditions

8. I have had regard to the conditions suggested by the Council. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development.
9. The Council suggested a condition to ensure that the materials to be used in the external surfaces of the development match those used in the existing building. However, the development proposes a rendered extension as opposed to brick which is used in the main dwelling. Furthermore, the Planning Officer's report identifies the need to approve the materials for the garage proposed. A condition requiring the submission of materials for approval is therefore necessary and reasonable in the interests of preserving the character and appearance of the building, and the wider area.
10. I have also imposed the suggested condition to prevent the installation of windows at first floor level to prevent the loss of privacy for the occupiers of the neighbouring property.

¹ Appendix B, Design Guide for Residential Extensions in Sustainable Design & Construction Supplementary Planning Document, Rugby Borough Council (February 2012)

² Rugby Borough Council, Local Development Framework, Final Version Core Strategy (June 2011)

Conclusion

11. For the reasons given above, I conclude that the development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR