
Appeal Decision

Site visit made on 10 October 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 October 2017

Appeal Ref: APP/E3715/D/17/3178927

2 Ajax Close, Rugby, CV21 1XH

- 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 Ms Gail Shegedin against the decision of Rugby Borough Council.
 - The application Ref R17/0593, dated 28 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension upon the living conditions of the occupiers of the adjoining house.

Reasons

3. The appeal house adjoins a similar dwelling, the rear habitable rooms of which have patio doors very close to the joint boundary. The proposed extension would be 3m deep along the joint boundary and therefore it would be extremely close to the neighbour's patio doors. The extension would have a "lean-to" roof which would result in the side elevations of the extension reaching a height of just below the first floor windowsills. The extension would also be to the south of the neighbour's property.
4. I consider that the length, tall height and southerly position of the extension would result in an unacceptable loss of daylight and sunlight to the habitable room of the adjoining property. The appellant says that there are two trees in the garden that block out light anyway, but this factor does not justify a further loss of light.
5. I note the appellant's comments that there are other similar sized extensions nearby but I do not know the full circumstances surrounding these extensions and therefore I afford them little weight in my considerations. I also appreciate that 3m long extensions are usually allowed under permitted development rights, but the Council has explained that permitted development rights were removed from the appeal property due to the small size of the plots. Plot size, resulting in a close proximity of the extension to the neighbour's windows, is a factor in my decision. I note that the neighbour has not objected but this is not a determinative factor, especially I have to consider the living conditions of both current and future occupiers.

6. I therefore conclude that the proposed extension would have a harmful effect upon the living conditions of the occupiers of the adjoining dwelling. The proposal would therefore conflict with Policy CS16 of the Rugby Borough Council Core Strategy and the Council's Sustainable Design and Construction Supplementary Planning Document which seek to safeguard the amenities of existing and future neighbouring occupiers. It would also conflict with Paragraph 17 of the National Planning Policy Framework which includes similar objectives.
7. For the reasons above, the appeal is dismissed.

Siobhan Watson

INSPECTOR