
Appeal Decision

Site visit made on 8 November 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/D1835/D/17/3181340
61 Hillery Road, Worcester WR5 1RF

- 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 Tanveer Ahmad against the decision of Worcester City Council.
 - The application Ref P17G0031, dated 13 January 2017, was refused by notice dated 30 May 2017.
 - The development proposed is rear ground and first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of 63 Hillery Road, with particular regard to outlook.

Reasons

3. The appeal relates to a detached house located in a predominantly residential area. The property already has permission for alterations to the front and rear of the building which were under construction at the time of my visit. These include a two storey extension to the rear of the dwelling.
4. The proposal would result in the replacement of an existing single storey conservatory with a mono-pitched roof with a two storey extension. This would essentially fill in a gap on the rear elevation created by the extension already under construction. The Council's main concern is with the potential overbearing impact on the occupants of No 63, particularly within the garden area.
5. I could see that there is a large rear extension to No 65 which projects for some distance from the rear of the property and appears to be at a slightly raised level. This is already likely to constitute a prominent feature for the residents of No 63, particularly when sitting out in the garden. Although the roof of the existing conservatory is visible above the high boundary fence, the development would be a far taller and more prominent, bulky and intrusive structure which would extend out some distance beyond the rear wall of No 63.
6. While I recognise that the effect on direct sunlight and daylight on the overall garden area would not be significant, this does not alter the fact that the height and bulk of built development on either side of the garden space of No 63

would be likely to lead to an increased feeling of confinement when sitting out close to the house. The gardens of these properties are relatively long and thus there would be areas where the effect of the development would be less noticeable. However, I have noted the comments from the occupant of No 63 regarding the effect of the development on the enjoyment of their patio. It is normally the case that patios are located close to the rear of the dwelling and thus it is most likely that occupants would wish to sit out in the area most likely to be affected by the development.

7. In my view, due to its height, the distance it projects from the host dwelling and its proximity to the common boundary, the development would result in an overly dominant and visually imposing feature. As such, both individually and cumulatively with other buildings affecting the garden space, I find that the development would have an unacceptable adverse impact on the outlook from the garden of No 63 and would significantly reduce the occupiers' enjoyment of their property.
8. Accordingly, there would be conflict with Policy SWDP1 of the South Worcestershire Development Plan (2016) which seeks, amongst other things, to ensure development is not unduly overbearing. There would also be conflict with the broad objectives of the Council's Residential Design Guidance document (2002) which states that extensions should fully take into account the amenities of adjacent householders. There would also be conflict with paragraph 17 of the National Planning Policy Framework which seeks, amongst other things, to ensure development provides a good standard of amenity for existing occupants.

Other Matters

9. I recognise that the Council did not raise any objections to the development in terms of its effect on light entering the habitable rooms of No 63 or on privacy. They also raised no objection in terms of the effect on the living conditions of No 59. While I saw nothing to suggest I should come to a different conclusion, these factors do not outweigh my overriding concerns over the overbearing effect on the private amenity space of No 63.
10. While there is nothing objectionable about the appearance of the proposed extension, this does not alter my view that the additional height and mass of the built form near to the common boundary would have an unacceptable effect on the enjoyment of the neighbouring property.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR