
Appeal Decision

Site visit made on 16 November 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 24th November 2017

Appeal Ref: APP/D0121/D/17/3181031
16 Long Avenue, Clevedon BS21 7TX

- 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 & Mrs Michael Bisacre against the decision of North Somerset Council.
 - The application Ref 17/P/0691/F, dated 10 March 2017, was refused by notice dated 9 June 2017.
 - The development proposed is a two storey extension to create a self contained annex.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of the neighbouring property at No 17 with respect to their outlook and light.

Reasons

3. The neighbouring house at No 17 has a narrow 'galley' style kitchen which is primarily served by two windows on the side of the dwelling which would directly face the proposed extension. A limited amount of daylight is also provided through a half glazed door on the rear elevation.
4. The two windows currently face a garage and a single storey extension behind it, at the appeal site. However it is the two-storey side wall of the main house at the site that appears most prominently from these windows and currently restricts the light received by, and the outlook from, them.
5. The proposed extension would effectively bring the two storey flank of the main house onto the boundary and close to the kitchen windows. I consider it would considerably further reduce the light received by these windows such that the kitchen would be significantly overshadowed. I accept some sunlight may still be able to penetrate the room at some times of the day and at some times of the year. However for the majority of the time the kitchen would be a very dark room and, aside from this, would have a very poor outlook.
6. I acknowledge that the current occupier of No 17 has not objected to the proposal. Nonetheless paragraph 17 of the National Planning Policy Framework states that planning should always seek to secure good standards of amenity for future, as well as existing, occupants of land and buildings.

7. I have considered the other examples referred to by the appellant. However whilst they all represent examples of development close to their side boundaries, none appear to obstruct any facing windows in the same way that the proposed extension would. Notwithstanding this, each proposal must be determined on its own merits.
8. In summary, the development would result in a poor outlook from, and restricted natural light in, the kitchen at No 17 so would harm the living conditions of the occupiers of this dwelling. As such the development would fail to accord with Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) which both aim to ensure development does not prejudice the living conditions of the occupiers of adjoining properties. It would also conflict with the advice in the Council's Residential Design Guide – section 1 Supplementary Planning Document which guards against developments which are likely to significantly reduce the amount of daylight or sunlight to a habitable room or result in a significant overbearing impact on a neighbouring house. This document clarifies that kitchens are habitable rooms.

Conclusion

9. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR