



Appeal Decision

Site visit made on 29 November 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/T3535/D/17/3180552

18 Willow Road, Pakefield, Lowestoft, Suffolk NR33 7BJ.

- 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 Anthony Fathers against the decision of Waveney District Council.
 - The application Ref DC/17/0856/FUL, dated 26 February 2016, was refused by notice dated 24 May 2017.
 - The development proposed is described as "extensions to house."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupier at 16 Willow Road, with particular regard to light.

Reasons

3. The appeal property at 18 Willow Road is a detached two-storey house which is set back significantly from the street behind a front garden laid out as hardstanding. No 18 has a flat-roofed single storey structure projecting from the front of the house adjacent to No 16. The existing projection covers less than half the width of the site's frontage and has a railing at roof level to allow the roof to be used as a roof terrace. The end wall of the single-storey projection is approximately level with the front building line of the houses at Nos 16 and 20. No 16 is a single-storey bungalow with 2 side windows facing the shared boundary with No 18. No 20 is a two-storey detached house with 2 small windows on the side elevation adjacent to No 18.
4. The appeal property and No 16 are separated by a gated access to the rear garden of No 18, a boundary fence, and the footpath access to the front door of No 16. I observed during my site visit that the living room of No 16 is L-shaped and is served by 2 windows, one which faces the road and the side window which faces the existing front projection to the appeal property at a distance of approximately 2–3m. Given the L-shaped nature of the living room, light from the window to the front of the room does not penetrate to the rear of the room as the kitchen wall prevents this. The side window therefore provides the main source of natural light to the rear part of the living room.

5. The proposed development would comprise the erection of a two-storey front extension across the whole width of the existing house. This would result in the front of the two-storey extension at No 18 being level with Nos 16 and 20. The proposed development would provide for a car port and additional bedroom space. The narrow gap to the side of No 18 for access to the rear garden would be maintained.
6. Given the position of the proposed two-storey extension relative to the existing side window to the living room at No 16, the increased height of the proposed extension over the existing boundary fencing and existing front projection would significantly reduce the light reaching the window at certain points in the day. This would result in considerable loss of light and overshadowing to the living room of No 16. This negative effect on the living conditions of the occupier at No 16 would be harmful.
7. The proposed extension would provide additional living space for the future occupiers of the house at No 18. However, personal circumstances seldom outweigh general planning considerations. As there would be a marked negative effect on the living conditions of occupiers of No 16, with regard to light, this would outweigh the benefit of additional living space.
8. The Council considers that the design of the proposed development would not be out of character with its surroundings, that it would not affect the living conditions of occupiers at No 20, and that the siting of an obscure-glazed first floor bathroom window to the northern side elevation would be acceptable. I concur with these findings.
9. I note that the appellant has assessed the potential effect of the two-storey extension on light at 4 hourly intervals throughout the day and considers that the effect on the living conditions of the neighbouring occupier at No 16 is not accurately represented by the Council's decision. Nonetheless, I concur with the Council's view.
10. With regard to the replacement of the existing railings to the roof terrace with a solid floor to top design to allow privacy and for the safety of pets, this is not before me as it does not form part of the proposed development.
11. Consequently, I conclude that the proposed development would have an adverse effect on the living conditions of the neighbouring occupier at 16 Willow Road, with particular regard to light. It is therefore contrary to policy CS02 of the Waveney Core Strategy (2009) and policy DM02 of the Waveney Development Management Policies Development Plan Document (2011). Policy CS02 requires, amongst other things, that local amenity is protected. Policy DM02 states that development is expected to protect the amenity of the wider environment and neighbouring uses in terms of loss of light.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that this appeal should be dismissed.

J Gilbert

INSPECTOR