

Appeal Decision

Site visit made on 22 November 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 1 December 2017

Appeal Ref: APP/Y3940/D/17/3181241

9 Gason Hill Road, Tidworth SP9 7JX

- 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 and Mrs Da Silva against the decision of Wiltshire Council.
 - The application Ref 17/03525/FUL, dated 20 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is for a two storey extension.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of 9 Vockins Close, with specific reference to outlook.

Reasons

Character and Appearance

3. The appeal site is situated within a residential street predominantly comprising two storey link-detached, link-semi-detached and terraced houses where staggered front elevations and stepped ridgelines are a common feature. Gable eaves features over first floor windows, much like that proposed on the front elevation of the extension are also quite common in the locality.
4. Being close to the top of Gason Hill Road, and at its junction with Vockins Close, it is in a prominent location, but what is particularly noticeable is the host dwelling's subservient ridge and eaves lines in comparison with 10–13 Gason Hill Road. Notwithstanding the forward projection of the proposed two storey side extension, it would still appear subordinate in form and I consider would be in keeping with the character and appearance of the host dwelling and the wider street scene.
5. Therefore, with regard to this issue, the proposal complies with the third criterion of Policy CP57 of the Wiltshire Core Strategy (2015) (WCS) which requires development proposals, including extensions, to respond positively to the existing townscape in terms of building layout, built form, height, mass, scale, building line, elevational design and roof lines to effectively integrate the building into its setting.

Living Conditions

6. Both the appeal dwelling and 9 Vockins Close are already very 'cheek by jowl' with each other and the proposed extension would be built in close proximity to the conservatory that is situated on the rear elevation of 9 Vockins Close and immediately adjacent to its rear garden.
7. I note that the appellants have attempted to overcome the reasons for refusal on their previous proposal with the design concept before me. I also acknowledge the appellants' disappointment in their reported reluctance of the Council's Officer to discuss the current proposal whilst it was being determined, although the time to discuss revisions would have been before the resubmission.
8. However, whilst the rear elevation of the proposed extension would be slightly further away from the rear elevation of 9 Vockins Close than the existing garage, I cannot agree that there would be a reduction of impact upon the neighbouring property when compared to the increase in height. Therefore, notwithstanding the fact that the proposed extension would be lower than the present house, the increase in ridge height from 4.1m for the garage to 6.8m for the extension would give rise to a significant overbearing impact upon the rear garden of 9 Vockins Close.
9. Notwithstanding this, the extension would be north of the rear garden so the impact upon daylight/sunlight received by 9 Vockins Close would not be material. I accept that there is generally a degree of mutual overlooking within higher density residential layouts such as that the appeal site finds itself situated within. I also accept that frosted glass windows serving the bathroom and the landing towards the rear of the extension, on the rear and side elevations respectively, would ensure that no overlooking from these would give rise to a loss of privacy to the occupants of the neighbouring dwelling. However, these matters do not outweigh the harm that I have found that the proposal would have upon the outlook from 9 Vockins Close.
10. Therefore, I conclude that the proposed two storey side extension by virtue of its overall height, mass and bulk in relation to the boundary and garden area of the adjacent property would give rise to an unacceptable overbearing impact upon the level of amenity experienced by the occupants of 9 Vockins Close. The proposal is contrary to criterion 7 of WCS Policy 57 which requires proposals to have regard to the compatibility of adjoining buildings and uses, as well as the impact on amenities of existing occupants. Furthermore, I find that the proposal conflicts with one of the Core Planning Principles of the National Planning Policy Framework which is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

11. I have concluded that the proposal would not have a significantly adverse effect on the character and appearance of the area and I have also found that the proposal would not give rise to material loss of privacy, daylight or sunlight to the occupants of 9 Vockins Close. However, the outlook from that property would be materially harmed and is not outweighed by these other factors.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey INSPECTOR