The Planning Inspectorate

Appeal Decision

Site visit made on 20 November 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 22 December 2017

Appeal Ref: APP/H0928/D/17/3186800
12 Parklands Crescent, Penrith CA11 8SL

- 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 Rosemarie Kolek against the decision of Eden District Council.
- The application Ref 17/0318, dated 21 April 2017, was refused by notice dated 20 July 2017.
- The development proposed is extensions to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for extensions to dwelling at 12 Parklands Crescent, Penrith CA11 8SL in accordance with the terms of the application, Ref 17/0318, dated 21 April 2017, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan dated April 2017; amended proposed floor plans dated May 2017 and amended proposed elevations dated May 2017.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Amended plans dated May 2017 were submitted during the planning application process and were used by the Council when making their decision on the proposal. Accordingly I determine the appeal on the basis of these amended plans.

3. Whilst not referred to in the Council's reason for refusal I nevertheless requested a copy of the Housing Supplementary Planning Document (2010) (SPD) as this is referred to by a neighbouring resident in relation to the 45 degree code. I gave the opportunity for the Council and Appellant to comment on this matter and have taken the response received into account in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers in relation to outlook and levels of light.

Reasons

5. The appeal property is a 2 storey semi-detached house and is attached to No 14 Parklands Crescent. It is located on a modern residential cul-de-sac of semi-detached houses. It is set back from and elevated above the highway with an open garden and driveway to the front. Due to land levels falling to the south, the adjacent neighbour's property at No 10 is set lower than the appeal property. Also the rear gardens of these properties rise up above the dwellings.

6. I saw on my site visit that No 10 has a retaining wall in close proximity to the boundary, adjacent to which is a pathway leading to the rear patio and rear garden and the back door which is located in the side elevation. Due to the shape of the plot at No 10, the property is angled away from the appeal dwelling, resulting in a larger separation distance at the rear of the houses than the front.

7. The proposed development would extend the appeal dwelling closer to the side elevation of No 10 and the shared garden boundary. There would be no windows on this side elevation and a separation gap between the extension and the garden boundary would be retained, albeit that this would be narrower than the existing gap. The development would not directly face any windows of habitable rooms or main garden areas. Overall, taking the above factors in to account and noting the angled orientation of No 10 within its plot, I do not consider that the development would appear excessively overbearing to the occupants of this property. Furthermore as the proposed extensions would be to the north of this neighbouring property I am satisfied that the outlook for the occupants in relation to overshadowing and light levels would not be unacceptable.

8. As regards the effect of the proposal on the occupiers of No 14, I recognise that it would be located to the east/south east of this dwelling. Whilst the side extension would be two storey, it would only project around 1.6m from the rear elevation of the host property and would be a significant distance from No 14. In relation to the single storey rear extension this would be a modest height and depth and would be stepped back away from the existing garden boundary fence and the neighbours' closest ground floor kitchen window. Accordingly, based on the evidence that is before me, I do not consider that the proposal would result in an unacceptable outlook for the occupants of no 14 in relation to overshadowing or unacceptable levels of daylight or sunlight. In addition as there would be no windows in any side facing elevations there would be no undue loss of privacy.

9. Consequently taking account of all the above factors I conclude that the proposal would not result in material harm to the living conditions of the occupiers of neighbouring properties in relation to outlook and light levels. Accordingly it would conform to Core Strategy (2010) Policy CS1 which seeks development in accordance with sustainable development principles and Policy CS18 which seeks, amongst other things, the protection of existing residents' amenity. In addition the proposal would also accord with the National Planning

Policy Framework (the Framework) which seeks a good standard of amenity for all existing and future occupants of buildings.

10. Concerns have been raised that the proposal would not be in keeping with the character of other extensions within the locality. On visiting the site and surrounding area I saw that a number of other properties within the cul-de-sac have been extended, some resulting in narrow gaps between buildings. Accordingly the proposal would not be out of keeping with the locality in this regard. I also have no substantive evidence that the development would damage house foundations or the retaining wall, cause damp or frost damage, raise the fire risk or result in root damage or the loss of the existing mature boundary hedge. Furthermore the Council does not object to the proposal on these grounds and based on the evidence before me I have no reasons to disagree.

Conditions

11. I have considered the conditions suggested by the Council and agree that, these should be imposed. I attach a condition specifying the approved plans to ensure certainty. A further condition concerning the materials to be used is necessary in the interests of the character and appearance of the property and surrounding area.

Conclusion

12. For the reasons given above I conclude that the proposed development accords with the development plan when taken as a whole and the Framework and accordingly the appeal should be allowed.

Y. Wright