



Appeal Decision

Site visit made on 24 July 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2018

Appeal Ref: APP/D1835/D/18/3204045

1 Dolphin Close, Worcester, Worcestershire WR2 6BG

- 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 Barry Dinsdale against the decision of Worcester City Council.
 - The application Ref P17J0517, dated 9 October 2017, was refused by notice dated 6 April 2018.
 - The development proposed is the erection of a front extension to form an additional en-suite; internal alterations to re-arrange room layout and create a box room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was issued on 24 July 2018 but raises no additional design issues beyond those raised by the parties.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties

Reasons

4. The appeal property is a detached single storey dwelling with a flat roof situated within a primarily residential area. The main entrance to the property is a door accessed from a footway and this is referred to as the side elevation in this decision. On the opposite side of the footway is a terrace of four 2-storey dwellings which have projecting single storey porches and windows within their front elevations serving habitable rooms, including living rooms at ground floor level. These dwellings have landscaped front gardens and there is a large conifer tree within the garden of No. 3.
5. The *South Worcestershire Design Guide Supplementary Planning Document* (SPD) identifies that to safeguard outlook there should be a minimum separation distance of 12.5 metres between a windowed elevation and an opposing single storey flank wall. Currently, the outlook from the ground floor habitable window of No. 3 is towards the property's side elevation and No. 4 to the property's open front garden. The separation distance between the ground floor window of No. 3 and the side elevation of the property is around 7.3

metres according to the appellant which is below the distance identified in the SPD.

6. The proposed development includes a single storey flat roof extension which would increase the length of the property's side elevation. The enlarged flank wall would be sited adjacent to the footway. As is currently the situation, a separation distance in accordance with the guidance in the SPD would not be achieved between the ground floor habitable room window of No. 3 and the proposed development. However, the current failure to achieve the desired separation distance is not a sufficient reason to set aside consideration of the effects of the appeal scheme on the occupiers of this neighbouring property.
7. By reason of siting and massing, the enlarged property would significantly reduce the current outlook from No. 4. Further the enlarged flank wall would result both in an unacceptable sense of enclosure and an overbearing form of development for the occupiers of No. 3. In reaching this judgement about the unacceptable harm caused to the neighbouring occupiers account has been taken of the tree within the garden of No. 3 and the existing relationship between the property and Nos. 2 and 3. Further, the harm caused to the outlook from No. 5 would be limited because it would be mainly towards the property's retained garden. However, these matters do not alter the assessment concerning the significant and demonstrably harmful effect this appeal scheme cause to the living conditions of the occupiers of Nos 3 and 4.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with Policy SWDP 21 of the South Worcestershire Development Plan and the SPD. Amongst other matters, this policy requires development not to be unduly overbearing. This policy echoes the Framework concerning the design of development achieving a high standard of amenity for existing and future users. Accordingly, for the reasons given and taking into account all other matters, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR