



Appeal Decision

Site visit made on 12 July 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/Y3940/D/19/3226621

2 Duchy Cottages, North Road, Mere, Wiltshire, BA12 6HG

- 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 Miss Jennifer Hyde against the decision of Wiltshire Council.
 - The application Ref 18/11273/FUL, dated 9 October 2018, was refused by notice dated 21 January 2019.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 2 Duchy Cottages, North Road, Mere, Wiltshire, BA12 6HG in accordance with the terms of the application, Ref 18/11273/FUL, dated 9 October 2018, and the plans submitted with it, 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: drawing numbers 01 and 02.
 - 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.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupants of 1 Duchy Cottages and 3 Duchy Cottages, with particular regard to outlook, sunlight and daylight.

Reasons

Living conditions

3. The proposal site is a house in a terrace of four dwellings. The appellant's garden wraps around the rear of the neighbouring property, 1 Duchy Cottages, and extends back from it. The proposal would include demolishing an existing single storey outhouse joined to a rear extension to 1 Duchy Cottages and constructing a 2-storey extension to provide a bedroom with ensuite bathroom on the first floor. A single storey extension would join, and project to the rear

and side of, the 2-storey element to provide a ground floor kitchen/breakfast area and W.C.

4. The orientation of the terrace is such that it restricts access to direct sunlight and causes overshadowing in the mornings to the rear of the houses within it and their gardens. The closest window to the proposed 2-storey extension serves a first-floor bathroom in 1 Duchy Cottages. The proposal would slightly reduce sunlight and increase overshadowing to the bathroom window and downstairs kitchen in the early morning. However, the duration of impacts would be relatively short.
5. When looking out of the bathroom window the side wall of the extension would be visible. Nevertheless, the distance between the wall and window would be enough that it would not have an overbearing impact or significantly restrict outlook from the window. Thus, daylight levels would not be significantly affected. Overall, I do not consider that the effect of the proposal on the outlook of occupants of 1 Duchy Cottages, or the slight increase in overshadowing and reduction in direct sunlight to their property, would harm their living conditions to an unacceptable level which would warrant withholding planning permission.
6. The occupants of the other neighbouring property, 3 Duchy Cottages, have raised concerns over loss of sunlight and overshadowing to a first storey bedroom window and garden patio area. They note that most sunlight reaches the property from the west in the late afternoon and early evening. An approximately 3m high hedge forms the rear boundary between the proposal site and 3 Duchy Cottages. It will already lead to some loss of direct sunlight and overshadowing into No 3's garden and to the ground floor living room and first floor bedroom. The rear patio is located on the other side of the garden away from the proposal site and boundary hedge. The occupants state that this is to take advantage of summer evening sunlight and are concerned that the area will be completely overshadowed by the proposal.
7. The proposed extension would lead to increased overshadowing and loss of direct sunlight to the patio area and affected rooms in the evenings. However, these impacts would be for a short duration and at times of the day when a reduction in light levels and increased shade are to be expected. Furthermore, much of the garden would remain unaffected by the proposed development. As such, I do not consider that it would lead to an unacceptable impact on the occupants' living conditions. The extension would also be far enough from the nearest first floor bedroom window and living room windows that it would not appear to be overbearing or restrict the outlook from them to any harmful degree or impede daylight entering the rooms to any great extent.
8. Overall, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupants of 1 and 3 Duchy Cottages, with regard to outlook, sunlight and daylight. Therefore, the proposal would not conflict with Core Policy 57 of the Wiltshire Core Strategy (2015) which supports high quality design which has regard to the impact on amenities of occupants of neighbouring buildings.

Other matters

9. Other concerns were raised by interested parties in relation to the impact of the proposed development upon the character and appearance of the building

and area, its effect on a neighbour's property during construction and maintenance and the potential for the proposal to set a precedent.

10. The proposed development would not be visible from the street. The 2-storey element is set in from the sides of the dwelling and the roof ridge is below that of the host dwelling so that it would be subservient to it. First floor windows match those of the existing dwelling and a planning condition requiring materials to reflect that of the host dwelling would ensure that the proposal would not appear out of character. Party wall issues are a matter for the appellant and neighbour to resolve and not a reason to withhold planning permission. I have no evidence before me to suggest that allowing the proposal would lead to applications for similar proposals and, that if it did, that they would cause unacceptable harm. In any case, such applications would be judged individually on their merits.

Conditions

11. In addition to the standard condition in relation to the time limit for the commencement of development, a condition confining the approval to specified plans is necessary for certainty. A matching materials condition is necessary to secure a satisfactory finished appearance.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR