



Appeal Decision

Site visit made on 15 July 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/N2345/D/19/3225880 5 Oakwood Drive, Preston PR2 3LX

- 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 David Simmons against the decision of Preston City Council.
 - The application Ref 06/2018/1269, dated 20 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is described as amendment to the existing approval to form a dormer within the new roof area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On their decision notice the Council describe the proposal as a 'First floor extension, side dormer and single storey rear extension'. From the evidence before me, I consider this to be a more accurate description of what is proposed and have therefore proceeded with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbours at 7 Oakwood Drive and the future occupiers of the development, with particular regard to outlook.

Reasons

4. A rear facing bedroom window at No 7 Oakwood Drive looks directly out onto the side elevation of the appeal property, where a first floor extension and dormer is proposed. The outlook from this window is already restricted due to the relatively short distance between the two properties. The Council suggests that the introduction of the roof extension and dormer, as proposed, would result in a window to window distance of approximately 4.15 metres. I note the appellant does not dispute this measurement and to address potential overlooking between these windows obscure glazing is proposed to the dormer windows.
5. The Council's Residential Extensions & Alterations Supplementary Planning Document 2013 (the SPD) states that where two habitable room windows would face each other a minimum distance of 21 metres is required or where such a window would face a blank wall a minimum distance of 13 metres is

required. This guidance aims to protect neighbours from any harmful loss of outlook, overshadowing, overlooking or overbearing effects.

6. The proposal would fail to meet either of these minimum distances. Having considered the relationship between the side elevation of the appeal property and that of the rear elevation of No 7, it is apparent to me that the dormer extension, in such close proximity, would dominate the outlook from the rear facing bedroom window of No 7. This would result in a harmful loss of outlook from that room and in doing so would have a significant overbearing effect that would be harmful to the living conditions of these neighbouring occupiers.
7. Furthermore, the appellant has proposed obscure glazing to the dormer window that would serve a new bedroom, however, this would leave that room with no outlook and would therefore result in a substandard level of accommodation. This would create an oppressive and claustrophobic environment within the proposed new bedroom and as such would significantly harm the living conditions of the future occupiers.
8. The Council raise no concerns regarding the effect of the single storey rear extension on the living conditions of any neighbouring occupiers and I have no reason to disagree with this.
9. To conclude, I have found the proposal would have a significant harmful effect on the living conditions of the neighbours at No 7 Oakwood Drive and the future occupiers of the proposal, with regard to outlook. This is contrary to Policy AD1 of the Preston Local Plan 2012-26 and saved Policies H8 and D13 of the Preston Local Plan 1996-2006 which, amongst other things, seek to ensure no adverse impacts to residential amenity. The proposal would also be contrary to the requirements of the Residential Extensions & Alterations SPD.

Other matters

10. The appellant has suggested that the dormer element of the proposal could be carried out under permitted development, although I have not been provided with any substantive evidence to support this claim. I cannot therefore consider this to be a realistic or probable prospect and therefore do not consider this to be a legitimate fallback position. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal. I have therefore considered the appeal on the basis of what is proposed and its consequent effects.
11. I note the appellant's desire to increase the living space for his growing family, and I take no pleasure in frustrating these efforts, but this does not justify the harm I have found in this case.

Conclusion

12. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR