



Appeal Decision

Site visit made on 30 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/P1805/D/19/3225117

15 Avon Close, Bromsgrove, Worcestershire B60 3PE

- 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 Martin White against the decision of Bromsgrove District Council.
 - The application Ref 18/01625/FUL, dated 27 December 2018, was refused by notice dated 14 March 2019.
 - The development proposed is described as 'a two-storey rear extension for an extra bedroom to match original the two-storey extension approved in June 2017'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties in terms of privacy and outlook.

Reasons

3. The appeal site is a detached house within a residential area of semi-detached and detached properties of a similar age and design. The dwelling faces southwest and is surrounded to its rear and both sides by further residential development, with several gardens sharing a connecting boundary. Within the immediate surrounding area, the gardens are relatively compact and the houses are comparatively close.
4. The property has been recently extended to the side and rear with a part single, part two-storey extension. The appeal proposal would extend the limit of the previous rear extension above the ground floor infilling the first-floor area. The pitched roof would be extended over the entire width of the property which also covers the full width of the plot. The extension of the first floor would result in the two-storey gable end sitting close to the boundary which is shared with 17 Avon Close (No 17). Because No 17 is set at right angles to the appeal site, and its rear garden is limited in size, the outlook from the rear of the neighbouring property would be dominated by the gable end of the proposed first floor extension.
5. There is also a conservatory to the rear of No 17 which would further reduce the distance from the gable wall of the proposed extension to around 6 metres. The proposed extension would enclose the current space between the properties and would not achieve a satisfactory relationship between the two.

The neighbouring rear garden and conservatory are to the southeast of the proposed development, and due to the restricted separation distances, the levels of natural light would be compromised and this would have a harmful effect on the living conditions of both the current and future occupiers of No 17 in terms of outlook.

6. Although I do not have any plans which show the proposed side elevation of the extension, I note the floor plan indicates a new opening in the southeast elevation at first floor level. This new opening would provide light to the existing bedroom that would lose its only window in the current rear elevation, as part of the appeal proposal. This window is referred to in the appellant's statement as a 'small opening' with 'opaque glazing' that would provide some further relief to the gable end of the property. No details of its proposed design or specification are provided on the plans. Nevertheless, due to the opaque glazing, any views from this new opening would be restricted and would have limited effect on the privacy of the occupiers of the adjoining property.
7. The Council does not consider there to be an effect on the outlook or daylight to the neighbouring properties to the rear, particularly Nos 3 and 5 Mill Street. Although, it does identify a harmful effect on the occupiers of these properties regarding privacy. In my opinion, the proposed first floor extension would not materially change the relationship between the current extended property and those immediately surrounding properties, particularly those directly opposite on Mill Close. Existing windows in the extended rear elevation allow views towards these properties and the addition of the proposed extension would not significantly worsen this arrangement.
8. Overall, the proposed extension would be harmful to the living conditions of the occupiers of No 17 in terms of outlook. As such it is considered contrary to Policy BDP1 of the Bromsgrove District Plan Proposed Submission Version 2011-2030 and guidance contained within the Council's Supplementary Planning Guidance Note 1 Residential Design Guide 2004, which promote sustainable development where, among other matters, regard is had for the impact on residential amenity including safeguarding outlook from adjoining properties.

Other Matters

9. I note concerns that have been raised by the occupier of No 11 Avon Close, however as the proposal would be located on the opposing side of the property it would not impact further upon the occupier's privacy or sunlight. Accordingly, the effect of the proposal upon the living conditions of the occupiers of this property would be limited.
10. I note that the approved scheme already extends the gable end of the property to the boundary with No 17 at ground floor level. There is also a pitched roof garage between the side elevation of the appeal site. However, the garage is single storey and does not extend the full depth of the appeal property, thus its form provides a limited physical barrier with the neighbour's garden. Despite the neighbours' support for the proposal, I maintain that the impact of the proposed first floor extension would be harmful to their living conditions, as detailed above.

Conclusion

11. For the reasons given above, and other matters raised, I conclude that the appeal should be dismissed.

S Hanson

INSPECTOR