



Appeal Decision

Site visit made on 16 July 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/B3030/D/19/3228250

4 Oak Avenue, Ollerton NG22 9PT

- 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 Paul Hammond against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00073/FUL, dated 13 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is first floor extension built onto the ground floor existing extension comprising of 2 bedrooms.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 2 Oak Avenue, with particular regard to outlook and light.

Reasons

3. The appeal site is located on the northern side of Oak Avenue within an established residential area, which is characterised by evenly spaced and relatively uniform, modest, two-storey, semi-detached houses constructed of brick with tiled roofs.
4. The appeal property forms the right hand half of a pair of two-storey, semi-detached houses. It has a single-storey extension with a pitched roof and conservatory to the rear. The proposed development would comprise a first floor extension above the existing extension with a pitched roof. It would have a render finish and a tiled roof to match the existing.
5. The Local Planning Authority (LPA) has produced guidance on Householder Development in the form of a Supplementary Planning Document (SPD) (2014) which provides further detail on how the policies within the Development Plan will be interpreted and applied. It states householder development proposals should be designed in a way that does not lead to an unacceptable level of overbearing to, or significant overshadowing of, neighbouring properties. It recognises that such impacts are most likely to occur where two-storey development is proposed in close proximity to or along shared boundaries. It goes on to state that rear additions have the potential to give rise to significant impacts on the amenity of neighbouring properties through overbearing and

overshadowing effects. In the case of a two-storey addition it may be necessary to apply the 45 degree approach to assess whether the proposed depth will lead to an unacceptable neighbour impact.

6. I acknowledge that the proposed development would create two additional bedrooms in this family home. However, its close proximity to the shared boundary, combined with its substantial height, depth, and overall massing, would cause it to be an overbearing and oppressive structure when viewed from the first floor rear bedroom window of No 2 Oak Avenue. This would create an uncomfortable sense of enclosure and harm the outlook of the occupants of No 2 Oak Avenue. Furthermore, I accept that the elevation is north facing and as such receives a reduced level of light. However, it is evident when applying the 45 degree approach as outlined in the LPA SPD, that the proposed development would cause a great deal of overshadowing to No 2 Oak Avenue, particularly in the morning. This would decrease the amount of light received in the first floor rear bedroom window and conservatory even further.
7. Accordingly, I conclude that the proposed development would harm the living conditions of the occupants of No 2 Oak Avenue with particular regard to outlook and light. This would conflict with Core Policy 9 in the Newark & Sherwood Amended Core Strategy (2019) which, amongst other things, expects new development proposals to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context. It would also be contrary to Policies DM5 and DM6 in the Newark & Sherwood Allocations and Development Management Development Plan Document (2013) which, amongst other things, aim to ensure that new development will not cause an unacceptable reduction in, or adverse impact on, the amenities of neighbours including overbearing impacts and loss of light. It would also conflict with the Newark & Sherwood Householder Development SPD (2014) referred to above.

Other Matters

8. I note the appellant highlights that the 45 degree rule is just guidance and not a regulation. I accept that it is just a guide and only one of the many considerations that need to be taken into account in making a judgement on the acceptability of a development. However, it is a useful method that is widely used to assess the impact of two-storey extensions on light to neighbouring properties. Therefore, I consider it appropriate to use this approach in this instance, and it is apparent that there would be harm irrespective of the application of the 45 degree rule.
9. The appellant has also stated that the rear bedroom is not a frequently used room. Be that as it may, it is not relevant to my consideration of the proposed development which has to be assessed on its planning merits, and I have found harm.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR