
Appeal Decision

Site visit made on 10 September 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/K3415/D/19/3230257

27 Princess Street, Burntwood WS7 1JW

- 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 & Mrs Sutton against the decision of Lichfield District Council.
 - The application Ref 19/00481/FULH, dated 28 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is for a single storey rear extension, following demolition of conservatory, and two first floor extensions above existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant refers to various paragraphs from the National Planning Policy Framework (the 'Framework'). However, the Framework was revised in 2018 and updated in 2019¹. Whilst there are no longer 12 core principles and the paragraph numbers have changed, no substantive changes were made that would affect consideration of this proposal. However, references to the Framework within this decision relate to the latest version published in 2019.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 25 Princess Street (No.25) with particular regard to light and outlook.

Reasons

4. The appeal property is a detached dwelling in a predominantly residential area. It fronts Princess Street, which has a mix of house types, designs and styles. At the rear, the property has a projecting two storey central gable and a single storey hipped roof extension wraps around it. There is a passageway alongside the property between No.25. From my visit I observed that other nearby properties had been extended in various ways.
5. The proposal is for the erection of two first floor pitched roof extensions either side of the existing central gable, the result of which would be to create double gables on each side elevation. The existing single storey rear extension would

¹ The National Planning Policy Framework was first published in March 2012, revised in July 2018, and subsequently updated on 19 February 2019

- be reconfigured internally and the existing hipped roof would be replaced by a mono-pitch roof. The existing rear conservatory would be removed.
6. The first floor extensions would project beyond the existing main rear elevation to align with the existing rear gable. On one side, the extension would protrude beyond the existing rear facing first floor window at No.25. The extension would breach the indicative 45 degree-line and result in a reduction in light to this habitable room. Furthermore, the resulting two storey full height gable elevation would be in close proximity to the first floor window. This would have an unneighbourly, visually intrusive and overbearing effect that would create an unsatisfactory outlook for the occupiers of No.25. However, due to the orientation of the properties there would be no direct loss of sunlight.
 7. Whilst No.25 has its own extension that already reduces daylight, sunlight and outlook to this first floor room, the flank wall of the extension extends only up to eaves level and then the roof slopes away. The appeal proposal presents a greater height and expanse of solid elevation that would worsen the situation to a considerable degree. Whilst the current occupiers have not objected, planning permission runs with the land and I must determine the application on its planning merits.
 8. I appreciate the appellant wants to create a larger home for his growing family and extending the property represents an efficient use of land. There would be no visual impact on the street scene and I accept that the principle of such extensions is generally acceptable in residential areas such as this. Apart from the aspect of the extension that would adversely affect the neighbouring property, the Council considers that the overall design would be in keeping with the existing dwelling and the single storey extension would be acceptable. Nothing that I saw on site would lead me to come to a different view.
 9. Nonetheless, I find the proposal would harm the living conditions of occupiers of No.25. Accordingly, the proposal would be contrary to Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy 2015. These collectively seek, amongst other things, to protect the amenity of residents and ensure new development has a positive effect on amenity including on light. It would also be contrary to the advice in the Sustainable Design Supplementary Planning Document and the Framework which seeks to create places that have a high standard of amenity for existing and future users.

Other Matters

10. I note the comments from 29 Princess Street and note that the plans have been amended accordingly. But in view of the reason for refusal and my conclusions on the main issue there is no need for me to address these in the current decision.

Conclusion

11. For the reasons set out above, having regard to the matters raised, I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR