



Appeal Decision

Site visit made on 24 September 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 11 October 2019

Appeal Ref: APP/E2530/D/18/3217725

2 Colsterworth Road, Stainby NG33 5QS

- 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 Mrs Marilyn Kennedy against the decision of South Kesteven District Council.
 - The application Ref S18/1048, dated 5 June 2018, was refused by notice dated 2 November 2018.
 - The development proposed is the erection of two storey rear extension, front porch and detached garden room.
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Decision

1. The appeal is dismissed insofar as it relates to the two storey rear extension. The appeal is allowed insofar as it relates to the front porch and detached garden room and planning permission is granted for the front porch and detached garden room at 2 Colsterworth Road, Stainby NG33 5QS in accordance with the terms of the application, Ref S18/1048, dated 5 June 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and 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: Site Location Plan; 0008; 0008A Rev 2; 0008 Rev 3.
 - 3) The materials to be used in the construction of the external surfaces of the front porch and detached garden room hereby permitted shall match those used on the existing dwelling.

Procedural Issue

2. The Council altered the description of the development from a *'two storey extension to rear/porch to front of existing dwelling including detached garden room/studio'* to *'the erection of two storey rear extension, front porch and detached garden room'*. This is also the description used by the appellant on the appeal form. I consider this to be a more concise description of the appeal proposals and I have therefore used this description as set out in my decision.

Main Issue

3. The main issue in this decision is whether the proposed development effects the living conditions of neighbouring occupiers, with reference to overshadowing, privacy and outlook.

Reasons

4. The appeal site is a semi-detached hipped roof dwelling with an existing rear conservatory. The property is also bounded by No.3 and No.4 which are a pair of semi-detached properties set at oblique angles towards the dwelling and the rear garden area. The appeal property is set back from the road and has an enclosed front garden area. The proposed development would include a dual pitched roof front porch, a substantial rear two storey extension with a projecting gable roof and juliet balcony and a detached garden outbuilding within the rear garden.
5. The proposed two storey rear extension would be of a substantial width and positioned almost along the boundary with No.1. The conservatory of No.1 is also directly positioned along the shared boundary, furthermore No.1 also features an existing two storey rear extension to the west. The excessive projection of the proposed two storey extension which would extend beyond the conservatory and in combination with the existing development at No.1 would result in a dominant and overbearing addition, when viewed from both the garden and conservatory of No.1 causing an unacceptable level of harm to their existing living conditions.
6. There are no windows proposed on the first floor of the east elevation of the two storey rear extension, however it would include a large glazed opening with a juliet balcony to the south elevation. I acknowledge the appellants comments that overlooking already exists from first floor windows and on my site visit this was apparent. However, the two existing windows on the first floor are not excessively large and one of the windows has obscure glazing. The proposed two storey would project a substantial distance from the existing dwelling at the rear and combined with the large glazing, and the potential for this to be utilised fully open would result in direct overlooking of windows at both first floor and ground floor serving No.3 and No.4. It would also exacerbate the existing situation and would overlook the shared outside amenity areas to the detriment of existing privacy levels.
7. Given the existing arrangement and position of properties, boundary treatments, distances between amenity areas of the appeal site and No.3 and No.4 and the existing shared outbuilding location along the boundary, I do not consider that the proposed two storey extension would appear overbearing or dominant when viewed from the ground floor, first floor or the outside amenity areas of these properties. Furthermore, given the distances between the properties and the proposed two storey extension it would not create any overshadowing affects to No.3 or No.4. However, this does not outweigh the harm I have found to privacy above.
8. Although the proposed two storey rear extension would have matching materials and is of an appropriate design to the existing appearance of the host dwelling. It would cause harm to the existing living conditions of neighbouring occupants at No.1, No.3 and No.4. I therefore conclude it would be contrary to Policy EN1 of the Local Development Framework for South Kesteven, Core

Strategy (CS), 2010, which assess development in terms of the layout and scale of buildings, designed spaces and visual intrusion. It would also be contrary to Paragraph 127 of the National Planning Policy Framework, 2019, which ensures new development has a high standard of amenity for existing and future users.

9. The proposed porch would be positioned to the front of the dwelling and would be of a modest scale, matching materials and includes side openings. As the dwelling is set back from the road within an enclosed garden the proposed porch would have limited visual impact on the existing street scene. It would also not appear out of character with the host dwelling and due to its proposed position, distance to boundaries would not cause any harm to adjoining neighbours. The Council's decision notice indicates that it is not a matter of contention for the main parties and no other parties have commented on this aspect of the proposal.
10. The property benefits from a long-grassed garden area to the rear. The proposed garden room building would be almost directly located along the boundary, which is currently fenced with No.4. There would be adequate separation distances between the garden area and the property at No.4. There would be no direct openings facing the adjoining garden area. Given its height and the existence of boundary treatment to remain, it would not cause any overshadowing to neighbouring garden areas. There is no evidence before me to suggest that it would cause an unacceptable impact with smells or on existing services functions. It would be viewed as a small building separate from the dwelling with matching materials, as such it would be acceptable in terms of its impact on visual appearance and on living conditions of existing occupiers of neighbouring properties.
11. The proposed porch and detached garden room are both physically and functionally severable from the proposed two storey rear extension. I consider a split decision would be a logical outcome. I therefore, conclude that the proposed porch and detached garden room would cause no harm and would comply with Policy EN1 of the CS, 2010, which assesses development in terms of the layout and scale of buildings, designed spaces and visual intrusion.

Other Matters

12. I have considered third party concerns about the potential for the garden room to become an independent dwelling. However, I must deal with the proposal on its merits on the basis of what is proposed. Concerns about what could occur in future of this nature does not justify withholding permission in this case in relation to the development of a detached garden room currently proposed. Planning permission would be required to use the garden room as an independent dwelling. If such development occurred without the necessary planning permission the Council would be able to consider taking enforcement action at that point in time.
13. Although I have sympathy with the appellants over the delays of the planning application and I also find no evidence to suggest that the plans were incorrectly labelled or had discrepancies. This does not outweigh the harm I have found above that the proposed two storey rear extension would be unacceptable.

14. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

15. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing dwelling, this is also indicated on the application form and in order to safeguard the character and appearance of the area.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the front porch and detached garden room but dismissed insofar as it relates to the two storey rear extension.

Karen Taylor

INSPECTOR