



Appeal Decision

Site visit made on 18 October 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/C3105/D/19/3236688

107 Woodstock Road, Yarnton OX5 1PT

- 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 Stuart Henderson of S D H Builders.co.uk against the decision of Cherwell District Council.
 - The application Ref: 19/00692/F, dated 12 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as 'amendment to existing planning permission to double storey extension and single storey extension to a double storey extension'.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. Planning permission for a part single and a part two-storey rear extension was granted in 2011 at the appeal site¹ (the 2011 permission). At the time of my site visit, works had commenced to construct this scheme albeit, there is dispute between the parties as to whether this permission has been implemented or whether the permission has expired.

Main Issue

3. The effect of the proposal on the living conditions of the occupants of No 105 Woodstock Road, with particular regard to outlook and loss of light.

Reasons

4. The appeal site is a two-storey semi-detached dwelling with detached garage together with a reasonably spacious and long rear garden. No 105 has a similar mirrored footprint to the appeal dwelling except for a partially constructed extension that exists to the rear of the appeal dwelling.
5. The proposed two storey extension would project across the full width of No 107, extending approximately 4.5 metres into the rear garden area. A substantial close boarded wooden fence along the common boundary would partly screen the proposal at ground floor level. However, the proposed second storey element would be positioned immediately adjacent to the shared boundary and given that it would match the existing eaves height it would appear significantly taller than the existing boundary treatment.

¹ Ref: 11/00860/F

6. The Cherwell Council Home Extensions and Alterations Design Guide (2007) requires development to be designed so as to not cross the appropriate 45 degree line drawn from the nearest window to a habitable room of adjoining properties. In this case, the Council advises that the proposal would project beyond the relevant 45 degree line of the closest bedroom window at No 105 at a distance of around 2.5 metres.
7. Whilst it may be the case that this window is not the main bedroom of the dwelling, by reason of the proposal's significant height and depth I find that the proposal would overwhelm and have an unacceptably dominant and overbearing effect on the occupiers of No 105 from views from this window, the conservatory and private amenity areas of No 105. This would be harmful to their outlook and would materially compromise their living conditions.
8. In addition, whilst the proposal is positioned to the north-west of No 105, the proposal is of a scale and mass that I find would have the effect of blocking light to the conservatory. Albeit this impact would be limited to the late afternoon, the scale of the neighbouring conservatory is relatively modest and thus the proposal would limit natural light and increase overshadowing to the majority of the conservatory during these periods of time.
9. I have had regard to the photograph provided by the appellant in support of this matter, however, as it relates to a different dwelling, the circumstances are therefore not directly comparable. Therefore, the proposal would lead to an unacceptably harmful loss of light and overshadowing in areas closest to the common boundary at No 105.
10. I have had regard to the 2011 permission. I note that at the outset of this appeal the parties were in dispute as to whether the 2011 scheme had been implemented. However, even if I were minded to accept that a valid fallback position were to exist, the impact of the 2011 scheme upon the neighbouring occupiers at No 105 is significantly different than the proposal given that the previous permission left a gap along the shared boundary at first floor level nearest to the shared boundary.
11. Reference has been made to the Council's inconsistent approach to dealing with a number of dwellings that have been extended to the rear along the same side of Woodstock Road, including No 119. However, I have little information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
12. Consequently, I conclude that the proposal would significantly harm the living conditions of the occupiers of No 105 with particular regard to outlook and loss of light. Thus, the proposal would be contrary to Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) and Saved Policy C30 of the Cherwell Local Plan (1996). Among other things, these policies seek to ensure that new development considers the amenity of both existing and future development, including, among other things, outlook and natural lighting. In addition, the proposal would conflict with provisions of the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Other Matters

13. I have had regard to the appellant's desire to create additional living space for his family. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harm I have identified above.

Conclusion

14. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

E Brownless

INSPECTOR