



Appeal Decision

Site visit made on 11 June 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/J0540/D/19/3225853

3 Maffit Road, Ailsworth PE5 7AG

- 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 D Goy against the decision of Peterborough City Council.
 - The application Ref 18/02078/HHFUL, dated 30 November 2018, was refused by notice dated 22 February 2019.
 - The development proposed is the partial rebuilding of a ground floor rear extension, a first floor rear extension and the recladding of external walls and replacement of roof tiles.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies from the Peterborough Core Strategy Development Plan Document (2011) and the Peterborough Planning Policies Development Plan Document (2012) referred to by the Council in refusing permission have been superseded by policies from the Peterborough Local Plan ("the PLP") of July 2019, which has been adopted since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. In light of this, the main parties have provided submissions in writing on the relevance of the new PLP to the case.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 5 Maffit Road with regard to outlook and sunlight.

Reasons

5. The host dwelling has a single storey rear extension which lies along its boundary with No 5 Maffit Road ("No 5"). The appeal proposes the addition of a first floor element above the extension.

6. Rear gardens to dwellings within the row have a spacious and verdant quality due to their outlook onto fields, a similar rear building line to dwellings and the presence of a considerable number of trees within gardens. The location of Maffit Road at the edge of the village gives rise to a rural outlook from the rear of properties on its western side.
7. A single storey garage lies to the side of No 5 and provides some screening of the existing single storey extension to the host dwelling. Further screening is provided by trees and vegetation within the boundary between the two dwellings.
8. The host dwelling has a slightly greater set back within its plot than No 5. Its facing side elevation is therefore highly visible from the extension, patio and rear garden to No 5. The elevation has no windows to its first floor and therefore presents a view of unbroken built form which frames the side of the garden to No 5. However, no significant harm is caused to the outlook from the garden to No 5 due to the adjacent views to sky and vegetation which are possible over the host dwelling's garden, as a result of the unobtrusive single storey scale of its rear extension.
9. The appeal proposal would increase the view from No 5 of blank facing wall and roofing by a significant degree. The second floor extension would replace views over the host dwelling's garden with a significant projection of built form which would form an unduly dominant and overbearing frame to the outlook from the dwelling and garden at No 5. This would be irrespective of the distance between the proposal and the dwelling at No 5, due to the scale and length of development proposed and its high level of visibility within the outlook from both the dwelling and patio and garden area at No 5. The proposal would therefore be out of keeping with the generally spacious and verdant outlook of this edge of village location. As a result of these factors, it would cause unacceptable harm to the living conditions of the occupiers of No 5 with regard to outlook.
10. Whilst I acknowledge that the proposal may result in a limited reduction in the levels of sunlight reaching part of the garden to No 5 at some times of the year, the evidence in this regard is limited and consequently does not form a compelling case that this would cause any significant harm to the living conditions of the occupiers of that property. Factors which would limit any harm include the distance between the proposal and the dwelling at No 5, the considerable area of garden which would remain unaffected by shadowing and the level of shadowing already caused by vegetation within the boundary between the two properties. Thus, the appeal does not demonstrate that the proposal would cause any significant harm to the living conditions of the occupiers of No 5 with regard to sunlight.
11. However, the proposal would cause unacceptable harm to the living conditions of the occupiers of No 5 with regard to outlook. Thus, it conflicts with Policy LP17 of the PLP, which, whilst it does not set explicit requirements for the size, siting or design of such extensions, states that new development should not result in an unacceptable impact on the amenity of existing occupiers of nearby properties, including by means of an overbearing effect. Conflict also exists with Policy AH1 of the Ailsworth Neighbourhood Plan (2017), which sets out, in conjunction with the Checklist for Site Assessment, that the design of any new extension must always be sympathetic to its neighbours.

Other Matters

12. The appeal site lies within the Ailsworth Conservation Area ("the CA"). Accordingly, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
13. The significance of the CA derives in part from its compact and rural appearance, with a combination of older and more modern residential development set around 3 main streets, within an open countryside setting.
14. The extension would be located to the rear of the dwelling, and whilst it would be visible within limited oblique views from Maffit Road, its effect on these would be limited due to the set back of No 3 from the road and the preservation of the majority of spacious views of garden vegetation through the area between No 3 and No 5. The host dwelling is of a generous size and the extension would be proportionate to it within most views from the public right of way which runs behind the gardens. It would also result in a more symmetrical arrangement of windows within the dwelling's rear elevation than is currently the case, which would contribute positively to the dwelling's appearance. The extension would use materials which would be in keeping with those of the remainder of the rear of the dwelling. Whilst the extension would be visible within longer-distance views from Peterborough Road, its projection would not be particularly noticeable, and when approaching the village the rear of the dwelling becomes screened by trees within its rear boundary. Thus, the village's rural appearance would be maintained. Accordingly, I consider that the proposal would preserve the appearance of the CA. I note that the views of the Council's Conservation department are similar to my own in this regard.

Conclusion

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

C Beeby

INSPECTOR