



Appeal Decision

Site visit made on 23 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/F3545/D/19/3235233

23 Castle Lane, Haverhill CB9 9NG

- 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 Tomas Mazelis against the decision of West Suffolk Council.
 - The application Ref DC/19/0222/HH, dated 6 February 2019, was refused by notice dated 7 June 2019.
 - The development proposed is construction of single storey rear extension following demolition of existing conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey rear extension following demolition of existing conservatory at 23 Castle Lane, Haverhill CB9 9NG in accordance with the terms of the application, Ref DC/19/0222/HH, dated 6 February 2019, and the plans submitted with it.

Procedural Matters

2. The extension has already been erected and therefore I was able to see it at my visit and I also viewed the extension from the neighbouring property, 21 Castle Lane.
3. On the 1st April 2019 St Edmundsbury Borough Council was dissolved and along with Forest Heath District Council became a new non-metropolitan district council known as West Suffolk Council.
4. The development plans for the merged local planning authority remain in place for the former area of the St Edmundsbury Borough Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

Main Issue

5. The main issue is the effect of the extension on the living conditions of the occupants of 21 Castle Lane with particular regard to outlook and light.

Reasons

6. The appeal site is within a residential estate and is located at the end of a row of semi detached dwellings linked by attached garages. The appeal site benefits from a larger garden than that of neighbouring properties due to its position at the end of the row.

7. The appeal extension has already been constructed close to the boundary with 21 Castle Lane. From the evidence before me this replaced a conservatory, which did not project rearwards to the same extent as the newly built extension. The appeal site slopes down from the rear of the dwelling to the rear boundary and the extension has been built up to the existing ground floor level of the dwelling. There are also steps down from the extension into the garden.
8. From the ground floor kitchen window of no. 21, which is set off the shared boundary by approximately 1m, the extension is visible and does project some distance above the existing boundary fence. The extension, due to its increased projection will result in a greater impact on the outlook from the kitchen window. However, due to the length of the garden and the offset from the boundary the outlook is predominately of the garden and the skyline above the roof of the extension. Therefore, I consider that the additional depth of the extension does not result in an overbearing impact or an undue loss of outlook.
9. I have also considered the impact of the extension from the rear garden of no. 21. Whilst the extension is much greater in size than the previous conservatory, to my mind, it does not result in a significant enclosing effect on the outlook from the garden of No 21.
10. Turning to the effect of the development on sunlight and daylight, given the orientation of No 21 to the position of the sun from sunrise to sunset, I consider that the extension would not have any significant impacts, particularly when the previous conservatory is taken into account. In a similar vein, I consider that there would not have been such a significant impact on the availability of daylight to warrant the withholding of planning permission on this ground.
11. In conclusion, the extension does not harm the living conditions of the occupiers of 21 Castle Lane and complies with policy DM24 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 which seeks to ensure that development would not result in adverse impacts on the amenity of occupiers and neighbours and policy CS3 of the St Edmundsbury Core Strategy 2010 which requires development to be of a high quality design.

Conditions

12. Whilst the Council have indicated that the standard time limit condition and a condition relating to the approved plans should be applied, given that the development has already been carried out I consider that neither of these conditions are necessary.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR