The Planning Inspectorate

Appeal Decision

Site visit made on 26 November 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2019

Appeal Ref: APP/H1840/D/19/3237200
24 Sebright Close, Pershore, Worcester, WR10 1QF

- 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 Richard Bayliss against the decision of Wychavon District Council.
- The application Ref 19/01691/HP, dated 18 July 2019, was refused by notice dated 13 September 2019.
- The development proposed is two storey side, rear extensions and loft conversion.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Bayliss against Wychavon District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on

   (i) The living conditions of occupiers at Nos 22 and 26 Sebright Close with particular regard to outlook and light; and

   (ii) The character and appearance of No 24 Sebright Close.

Reasons

4. The appeal site comprises a two-storey semi-detached dwelling, located within a residential cul-de-sac. Permission is sought for a two-storey side and rear extension and a dormer to the rear.

Living Conditions

5. The proposed side extension would be within close proximity to a first-floor side window of No 26 Sebright Close. This window serves a bedroom, a habitable room, and is the only form of outlook to that room. The proposed side extension and rear dormer would significantly increase the scale and bulk of the host dwelling. As such, the additional built form of the side wall and its close proximity with the side window of No 26 would create an overbearing sense of enclosure and an uninviting outlook within the bedroom.

6. It is acknowledged that this side window may not be original and thus, due to the existing reduced separation distance between it and the appeal dwelling, the amount of direct sunlight reaching that room is currently restricted. As noted from the submitted sunlight assessment, the proposed side extension would have a limited impact on current sunlight levels.

7. Nevertheless, the existing relationship between the two properties breeches the 25 degree code, used to assess whether proposals would result in a significant reduction in daylight and/or privacy to/of adjoining properties, as recommended by the South Worcestershire Design Guide, Supplementary Planning Document, Overarching Design Principles, 2018 (the SPD). The amount of diffused daylight reaching the affected bedroom is therefore already reduced. Thus, the scale and positioning of the proposed side extension and dormer would result in significant overshadowing and further reduce daylight levels in the bedroom to a harmful level.

8. With regards to the proposed two-storey rear extension, it would project into the garden along the shared boundary with No 22 and would be within close proximity to a first-floor rear habitable room window. The SPD recommends that extensions comply with the 45 degree code to ensure the amount of light reaching a neighbouring property is not reduced. The appellant has drawn the 45 degree line from a ground floor window of the existing single storey extension of No 22. However, as the proposed two-storey extension does not project beyond the adjacent extension, from all I have seen and read, the test relates to the nearest affected window which in this case is the first-floor window. There is nothing in the SPD to indicate that the guidance should relate to ground floor windows only. As such, due to the depth, height and positioning of the proposed two-storey rear extension, it would overshadow the window and thus reduce the amount of light reaching the room.

9. The National Planning Policy Framework, which replaced now deleted Planning Policy Statements, including PPS7 which has been referred to me, indicates that SPDs provide a framework for creating distinctive places with consistent and high quality standard of design. It also requires a high standard of amenity for existing and future users. For the reasons noted above I have found this proposal would reduce the amount of light reaching the bedroom and it would thereby fail to meet the requirements of the Framework.

10. Consequently, taking all the above into consideration, this proposal would harm the living conditions of occupiers at Nos 22 and 26 Sebright Close and it would therefore conflict with policy SWDP 21 of the South Worcestershire Development Plan 2016 (the 'DP') which seeks to ensure, amongst other things, that developments provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing.

Character and Appearance

11. The character and appearance of this part of Sebright Close is derived in part from the uniformity in the form and massing of the semi-detached dwellings, which are built to a similar design, and from the space between them which creates a rhythm in the street scene. The appeal dwelling, which along with its neighbours makes a positive contribution to this pattern of development, is set at a raised level above the highway and as such it is highly visible in the street scene.

12. The proposed two-storey side extension would be constructed up to the side boundary of the property, reducing the space at the side of the dwelling and between the pairs of properties. Whilst it would be set back from the front elevation and its ridge line would be lowered accordingly, it would be a significant addition to the original dwelling due to its overall scale and massing. As such, it would not read as a subservient addition to the property.

13. Further, the rear dormer would span the full width of the original property and the proposed extension and it would cover most of the roof slope. As such, it would read as an overly dominant and top-heavy addition to the dwelling.

14. The appellant notes that the part of the rear dormer which covers the roof of the original dwelling could be constructed under permitted development rights. Be that as it may, the proposal before me relates to a dormer covering the full width of the extended dwelling and thus I have determined the appeal on that basis.

15. As such, this proposal would have a harmful effect on the character and appearance of the host property and is therefore contrary to policy SWDP 21 of the DP which seeks to ensure the scale, height and massing of developments is appropriate to the setting of the site.

Conclusion and Recommendation

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison
Appeal Planning Officer

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR