



Appeal Decision

Site visit made on 2 December 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/D1265/D/19/3240372

10 Paddock Row, Main Road, Tolpuddle DT2 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Large against the decision of Dorset Council.
 - The application Ref WD/D/19/001058, dated 2 April 2019, was refused by notice dated 5 September 2019.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 10 Paddock Row, Main Road, Tolpuddle DT2 7EZ, in accordance with the terms of the application Ref WD/D/19/001058, dated 2 April 2019, subject to the conditions below.

Preliminary matters

2. On 1 April 2019 the former Councils of Bournemouth, Christchurch and Poole combined to form a single Authority. However, until superseded, the existing development plan documents of former Councils remain extant. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding a review underway, the development plan includes policies of the West Dorset, Weymouth and Portland Local Plan (adopted 22 October 2015, the 'LP').
3. I have also had regard to various other material considerations including the National Planning Policy Framework and the National Design Guide ('NPPF', 'NDG'). In summary, and amongst other things, LP policy ENV16 and NPPF paragraph 127(f) seek to ensure that all development integrates appropriately with its surroundings, and does not unacceptably affect the amenity of those nearby. Section I1 of the NDG reiterates how development should be influenced by considerations related to light, shade, sunshine and shadows.
4. The proposal has been amended since the application was originally submitted. Revised plans show an extension of lesser depth (3.3 metres as opposed to 3.6). The Council's officer report related to application Ref WD/D/19/001058 references those revisions. However the Council remains of the view that they would not satisfactorily overcome the effects of the proposal, as regards the level of natural light enjoyed by the occupants of the neighbouring attached property (No 9). I have determined the appeal based on the revised scheme, an approach which would not be prejudicial to any party given that context.

Main issue

5. The main issue is whether or not the proposal would result in appropriate living conditions for the occupants of No 9, with particular regard to natural light.

Reasons

6. No 10 is a relatively modern property of traditional design. It is the easternmost in a terrace comprising Nos 7-10 fronting Main Road, at the boundary of the Tolpuddle Conservation Area ('TCA'). I am told those houses were built around 2012. Compared to neighbouring properties, No 10 has a relatively spacious plot which, to the side, extends close to an access serving several properties. Nevertheless, the proposal would be largely obscured from view by the existing form of the property, tie in well with the aesthetic of No 10, and be readily apparent only from private vantage points. In that context the proposal would preserve the character and appearance of the TCA.
7. There is some history to engagement between the appellant and the occupants of the neighbouring property; I understand that he built the conservatory to the rear of No 9. I also note the representation from the occupants of No 9 which sets out their hope that a mutually agreeable scheme can be arrived at. Those are rare circumstances. However, my role is to determine the appropriateness of a proposal in planning terms rather than whether or not it is neighbourly, defined in an ordinary sense, or to suggest revisions to it.
8. I note the concerns of the occupants of No 9, and accept that there are various factors that qualify illumination by way of natural light at that property. To reflect an historic vernacular, Nos 7 to 10 have been constructed respecting traditional proportions and detailing. Consequently windows are relatively modest, as are the houses themselves. At No 9, the lounge and conservatory are not open plan with the kitchen facing towards Main Road. The rear garden of No 9 is relatively narrow. That, in addition to boundary features, results in a greater sense of enclosure than at No 10 or No 7, both of which are end-of-terrace.
9. There is also a change in topography, which declines significantly from north to south. The rear conservatory to No 9 is therefore set at a lower level than that the garden further away from it. Being originally built to a common typology, there is some consistency in the rear building line here. The rear-facing gabled elevations of Nos 1, 6, 7 and 9 align. I acknowledge the appellant's concern that if other extensions to the rear of properties were to be proposed and permitted, that may result in a cumulative effect of feeling hemmed in.
10. In that context the proposal would result in a degree of change. The scheme would introduce a substantial additional element to No 10 close to the boundary with No 9 currently demarcated by a wall, projecting some 0.9 metres beyond the rearmost elevation thereof. That would have some effect in terms of impeding natural light. Plan WAC/1161/P02, drawing from the Building Research Establishment methodology,¹ shows that to be the case.
11. However in this instance I am of the view that the effect of the development proposed would not be unacceptable. The conservatory, a non-original element

¹ 'Site Layout planning for daylight and sunlight; a guide to good practice' (BR 209).

to No 9, has a glazed pyramidal roof and a pleasant aspect towards the garden. Given the relationship of and orientation between Nos 9 and 10, illumination within the conservatory and lounge next to it is principally via ambient light through the roof of the conservatory and glazing facing the garden rather than direct sunlight.

12. As shown on plan WAC/1161/P02, the extension would project only a fraction of the depth of the conservatory. Very little of the glazing of the roof would be affected. Given No 10 falls to the east of No 9, the existing bulk of No 10, and the substantial wall between the two, the scheme would have little effect on sunlight or ambient light reaching the conservatory. Given the sun's path through the sky, the only appreciable effect in that respect is likely to be in the early hours of summer months. That may, in actuality, have a negligible effect given that the sun would be low in the sky during those times, and on account of the presence of other buildings and trees nearby.
13. The ability of light to enter the conservatory is furthermore qualified by glazing bars, and what the appellant describes as a fixed internal pelmet.² The pelmet runs around the inside of the conservatory at high level projecting internally by some 50 centimetres or so, effectively reducing the area through which light may pass compared to what may appear the case externally. I also saw how it would be difficult, given the size of a rear-facing first floor window at No 9, to see the extension from that vantage point; an individual would need to stand very close to the window and look at an oblique angle, as opposed to a more natural view straight out towards the rising landform broadly northwards. Similarly, the proposed extension would be readily perceptible only if standing within the conservatory and looking back towards the rear elevation of No 9.
14. Even relatively minor changes may have a significant effect in terms of perception, which may not be directly correlated with the extent of development proposed. I accept that the proposal would not be welcomed by the occupants of No 9 in that context. However the scheme would in all likelihood have very little substantive effect on the level of natural light from which that property benefits. Aside from within the garden, or from atypical vantage points within No 9, the proposal would furthermore be barely perceptible. Therefore notwithstanding the reasoning in paragraphs 8 to 10 above, the proposal would, in my view, suitably preserve the living conditions of the occupants of No 9, with particular regard to natural light. Therefore no conflict arises with the relevant provisions of LP policy ENV16 or NPPF paragraph 127(f).

Other matters

15. I have set out above how it is the particular nature of the development proposed and its surrounding context that means undue effects would not arise, and that each proposal must be determined on its merits. As such there is little potential for allowing the appeal to set an undue precedent. The Parish Council note that No 10 is intermediate housing, a form of affordable housing. The proposal would increase the floorspace of the property, and by consequence its value (in all likelihood). Nevertheless that would not serve to render the dwelling other than intermediate housing by virtue of the

² I am told also that 'roof shades' are also in place, however their presence was not clear to me during my site visit (that may, or may not, be via way of opaque film rather than something more substantial).

requirements in place via deed associated with planning permission Ref 1/D/10/00811 in that respect. The Council raise no objection in that regard. Therefore neither that, nor any other matter, is sufficient to alter my view regarding the acceptability of the development proposed (as reasoned in the main issue in this case).

Conclusion

16. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

17. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans and that matching materials are used in the extension as in the existing building. Those are necessary so that the proposal is implemented as assessed above and integrates suitably with local character and appearance.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans 'WAC/1161/P01 REV: A' and 'WAC/1161/P02'.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.