
Appeal Decision

Site visit made on 8 January 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/H1840/D/19/3236384

81 Three Springs Road, Pershore WR10 1HR

- 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 Mrs M Morris against the decision of Wychavon District Council.
 - The application Ref 19/01187/HP, dated 17 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is a rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear and side extension at 81 Three Springs Road, Pershore WR10 1HR in accordance with the terms of the application, Ref 19/01187/HP, dated 17 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans & Elevations (Dwg No 681-001, dated 07.05.19); Proposed Plans & Elevations (Dwg No 681-002, dated 07.05.19).
 - 3) The external surfaces of the development hereby permitted shall be constructed using external materials that match the existing materials used and finished appearance of the original building.

Procedural Matter

2. The appeal proposal comprises of a single storey rear extension and a two storey side extension. The Council's objections to the proposed development relate specifically to the two storey side extension component. As such the proposed rear extension was considered appropriate. Based on the information before me I have no reason to reach a different conclusion.
3. The appellant has submitted an additional plan showing the relationship of the proposed development with neighbouring property 83 Three Springs Road. To remove any doubt, I have based my determination on the plans referenced on the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of occupants at 83 Three Springs Road, with regard to light and sense of enclosure.

Reasons

5. The appeal site is a semi-detached dwelling which adjoins with 79 Three Springs Road. The existing dwelling is subject to a single storey side garage which extends to the shared boundary with 83 Three Springs Road. The dwelling at No 83 is located south of the appeal site and is currently separated by a driveway and single storey garage. I observed during my site visit that No 83 had three windows at the ground floor level, of which one is an obscure glazed door, facing the appeal site.
6. The Council have described the proximity of the proposed side extension to these windows as a significant risk towards the loss of light experienced by occupants at No 83. However, by virtue of their northern orientation the windows at No 83 already experience a limited degree of light exposure. It would therefore be unlikely that the proposed side extension would result in any additional overshadowing to No 83 that could reasonably be considered harmful. Of note, the habitable rooms which the northern facing windows service are benefitted by secondary windows on the eastern and western elevations of No 83, which ensure appropriate levels of light are maintained within these rooms.
7. The Council have also expressed concerns regarding the scale of the proposed side extension and the potential overbearing effect on No 83. I note that the appeal site is slightly elevated compared to No 83, and that the size of the proposal along the shared boundary would introduce a more prominent built form. Notwithstanding this, No 83 is set forward of the appeal site dwelling which would preserve a degree of openness from the living room window facing north. A degree of enclosure is already experienced by the other northern facing windows at No 83, with the kitchen window and door being enclosed by the existing garages and an awning. I am therefore satisfied that the proposed side extension would not amount to a harmful sense of enclosure in this instance.
8. Accordingly, I am satisfied that the proposed rear and side extension would not detrimentally harm the living conditions of neighbouring occupants at No 83, with regard to light and sense of enclosure. It therefore complies with Policy SWDP 21 of the South Worcestershire Development Plan (adopted February 2016) and Section 12 of the National Planning Policy Framework. These policies seek, amongst other things, to ensure that development is designed to avoid undue harm to the living conditions of existing and future occupants.

Other Matters

9. Concerns were raised during the application assessment regarding the effect of the proposed side extension preventing access into the rear garden of the appeal site. I note however that the existing dwelling and garage occupy the full width of the appeal site and as such access to the rear garden can only be facilitated through the property. Accordingly, no further consideration is warranted.

10. The Council discuss in their representations the potential loss of privacy within the rear garden of No 83, resulting from the rear facing window on the proposed side extension. The subject window would serve a small en-suite, and as such would be unlikely to result in any harmful overlooking by virtue of the likely design and function of the window for privacy. A condition is not considered necessary to secure this outcome.

Conditions

11. The appeal is allowed subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interest of certainty. A condition requiring the external surfaces of the development to match the existing building is necessary to preserve the character and appearance of the host dwelling and surrounding area. These conditions comply with advice in the Planning Practice Guidance and the National Planning Policy Framework.
12. Council's Natural Heritage Officer suggested a condition requiring a bat roost/bird box be installed as part of the proposed development, with details to be submitted to the Council for approval. The information provided suggests that the existing roof is in good condition with no obvious gaps, that there is no evidence of bats or birds within the property or need for further survey. I therefore do not consider this condition necessary or reasonable in this instance, acknowledging the scale of the proposal and site context.

Conclusion

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

J Gibson

INSPECTOR