



Appeal Decision

Site visit made on 10 March 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/A3010/D/20/3244332

11 Carr Hill Way, Retford DN22 6TB

- 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 Mr and Mrs Lywood against the decision of Bassetlaw District Council.
 - The application Ref 19/01323/HSE, dated 9 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is extension to bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed extension upon the living conditions of the residents of no. 15 Carr Hill Way with regard to privacy, overbearing impact, outlook and light.

Reasons for the Recommendation

4. The proposed extension would be constructed on the side of the existing bungalow where it shares a boundary with no.15. It will incorporate the existing garage, part of which would be converted into a storage area and will cover almost the entire length of this side of the bungalow, except for the lobby. It would also be extended to a width where the wall on this side would be only marginally set back from the boundary with no. 15. The proposal includes a side gable with a pitched roof set at right angles to the main roof of the dwelling. The ridgeline would be set down marginally from that of the main house.
5. There is a window on the adjacent wall of no.15 which serves a habitable room. Whilst the appellant suggests that this window may have been inserted without planning permission there is no evidence to support that argument. The window may be original to the dwelling and, even if not, it is often possible to insert windows without planning permission. Thus, the side window in No.15 is

an established feature which serves a habitable room and it is necessary to consider the impact of the proposal in that context. By virtue of its height, massing and proximity to no.15, the proposed extension would have an overbearing impact when viewed from this window. Due to the minimal degree of separation and the height of the gable wall the structure would dominate views from the side window and would negatively impact the outlook from this window. It would also for the same reasons cast a shadow which would limit the level of natural light reaching into the habitable room at no.15 from said window.

6. The proposal includes a bedroom window directly opposite the window of the habitable room at no.15. This window would be at approximately the same level as the existing window at the first bedroom of the appeal property. I observed on my visit to the property that ample view is provided from this window, and at the proposed proximity the new window would be able to provide views into the room at no.15. However, if the proposal were to be approved any harm could be mitigated by a condition requiring the window to be obscure glazed. Thus, any harm to the privacy of the residents of no.15 could be avoided.
7. The appellant contends that the effect of the proposal would be no different from the existing garage whose wall touches the boundary fence at the back end. However, the garage is not of the same scale and massing as the proposal would be and is set back to the rear such that it is not in the direct path of outlook from any window. It seems probable that the garage was sited in that location specifically to allow light and outlook from the windows to the side of each dwelling.
8. Therefore, I find that any harm to the living conditions of residents of no.15 Carr Hill Way with regard to privacy could be mitigated by a condition to secure obscured glazing. However, that does not overcome my concerns with regard to the harm that would be caused to living conditions of said residents with regards to loss of outlook, overbearing impact and loss of light. Accordingly, there would be conflict with the objectives of the National Planning Policy Framework (the Framework) and Policy DM4 of the Bassetlaw District Local Development Framework, Core Strategy and Development Management Policies DPD (2011) which amongst other things seeks to ensure that new development does not have a detrimental effect on the residential amenity of nearby residents.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR