



Appeal Decision

Site visit made on 26 February 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/P3420/D/19/3241649

1 Prestbury Avenue, Newcastle Under Lyme ST5 4QY

- 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 Christopher Wynn-Jones against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00742/FUL, dated 16 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is second storey extension over the existing garage and utility room to match the neighbouring properties.
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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 main issue in this case is the effect of the proposal on the living conditions of the occupiers of No 23 Aldeburgh Drive having particular regard to outlook.

Reasons for the Recommendation

4. The proposal would, result in the addition of a first-floor extension above the existing garage in close proximity to the rear boundary fence of No 23 Aldeburgh Drive.
5. No 23 is located at a slightly higher level than the host property. It has a pair of patio doors and a window at ground floor level on the rear elevation as well as a door to its garage. At first floor there are 2 windows. Currently the outlook from these rear windows is of the side elevation of No 1, however the set back of the 2 storey part of the dwelling and its lower level relative to No 23 ensures that the host property is not overbearing on the outlook from the rear of No 23.
6. The new extension, which would be the same height and depth as the 2 storey part of the host property would introduce a solid, tall wall in close proximity to

the rear windows and garden area to No 23. Reference is made by the appellants to the new extension being between 9.5 metres and 10.5 metres from the rear windows in No 23. This distance falls short of the guidance set out within the Council's Space Around Dwellings Supplementary Planning Guidance (SPG) in respect of circumstances where principal windows, such as those in the rear of No 23, which is not disputed, face the wall of a two storey dwelling that contains no windows, such as that proposed.

7. The new extension would extend along most of the width of No 23's garden and as a result of its scale and proximity would be overbearing and dominant in the outlook from the rear windows within this property, from the rear patio area and rear garden. It would make the rear rooms that the windows serve less pleasant to use, as well as the rear garden area.
8. The appellants have drawn my attention to several sites where the Council has granted planning permission where the separation distance between the rear of a dwelling and the flank wall of a neighbouring dwelling appears to fall below the recommended distances set out within the SPG. However, nothing that I saw persuaded me that the development the subject of this appeal is acceptable in this location, including a similarly designed extension at No 3 Prestbury Avenue, whereby the site circumstances and relationship to neighbouring dwellings are not comparable to those before me. Each planning application and appeal needs to be determined on its merits, and I have considered the proposal accordingly.
9. Whilst the proposal did not attract objections from the occupiers of No 23, this is not a determining factor in the consideration of this appeal. The issue is whether harm would be caused to living conditions. The absence of objections does not make a development that is harmful acceptable.
10. I acknowledge the desire of the appellants to improve the living conditions for their family. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant. I also acknowledge that the development would result in the removal of an existing landing window and as a consequence there would be a reduced level of overlooking of the rear of No 23. However, this window already exists, and any benefits that would be gained would be small. Consequently, I give this matter limited weight.
11. In the light of my findings I conclude that the proposal would have an adverse effect on the living conditions of the occupiers of No 23 Aldeburgh Drive in conflict with paragraph 127 of the National Planning Policy Framework which requires developments to create places which promote health and well-being, with a high standard of amenity for existing and future users. There would also be conflict with the aims of the SPG which supports developments that establish a good quality of life for residents, which avoids an enclosed or cramped outlook from habitable rooms.

Conclusion and Recommendation

12. The proposal would result in harm to the living conditions of the occupiers of No 23 for the reasons set out above, the adverse impact of which significantly

and demonstrably outweighs the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

13. Accordingly, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR