The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2020 by Andreea Spataru BA (Hons) MA

Decision by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th June 2020

Appeal Ref: APP/B3030/D/20/3246488
15 Mill Lane, Edwinstowe NG21 9QY

- 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 Rosalind Fletcher against the decision of Newark & Sherwood District Council.
- The application Ref 19/01611/FUL, dated 3 September 2019, was refused by notice dated 19 November 2019.
- The development proposed is described as "Erection of one single storey extension 2.4 x 2m to the front of the property to add a dining area on to the living room. Removal of existing front wall".

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.

Preliminary matter

3. This appeal has been considered on the basis of the scheme and the plans which were before the Local Planning Authority. The appellant has suggested an alternative scheme for consideration. However, I can only determine the appeal on the basis of the plans considered by the Council, on which third parties have had the opportunity to comment. The alternative scheme has not therefore been taken into account.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring property No 11 Mill Lane, with particular regard to outlook and overshadowing.

Reasons for the Recommendation

5. No15 is the second property in a row of terraced cottages that sit perpendicular to Mill Lane. It has a two-storey extension to the front that projects along approximately half the width of the front elevation. There are several two storey and single storey front extensions within this row of terraced cottages.

6. The proposal would provide a single storey, mono-pitched extension to the front. The extension would project along the remaining width of the original front elevation, which would bring it next to the ground floor window of neighbouring property No 11, and would have a depth of approximately 2.4m, thus it would be in line with the existing two-storey extension.

7. It is understood that the front window of No 11 serves a habitable room. Given the close proximity of the extension to the neighbouring property's window and the depth of the extension, the development would appear overbearing and would adversely affect the outlook from the ground floor window of No 11. The existing porch of No 11 has a smaller depth than that of the proposal, and thus the ground floor window of No 11 would be in between two brick walls, which would result in a sense of enclosure. Therefore, the development would have a harmful effect on the living conditions of the occupiers of No 11.

8. The extension would be located to the south of No 11, which forms the end terrace property. I have not been provided with details regarding the current level of sunlight received by the ground floor window of No 11, nor with details of how the proposal would influence the existing amount of sunlight, taking into account that there is already a two-story extension to the front of the appeal property which overshadows to some degree No 11. Nonetheless, given the siting of the extension in relation to this window and its scale, the development would increase the levels of overshadowing.

9. Given the single storey design of the extension, the proposal would not affect the levels of overshadowing for the first-floor window of No 11. However, when taken cumulatively with the existing two-storey extension, the development would have an unacceptable overshadowing impact on the ground floor window of the neighbouring property, which would cause harm to the living conditions of the occupiers of No 11. This effect would not be mitigated in any way by the fact that No 11 forms the end of the terraced row.

10. The appellant argues that a porch with the same width as that of the proposal and a smaller depth of 1.54m could be erected to the front of the appeal property under the General Permitted Development Order. The depth of the extension would be approximately 0.86m bigger than that of the porch, thus I find that the proposal would have a greater harmful impact on the living conditions of the occupiers of No 11.

11. I acknowledge that both single and double storey extensions have been erected along this row of terraces and that these may have led to overshadowing effects on these properties. However, the presence of other such harm would not justify further harm as I have identified in my assessment of the proposal based on its own specific details and circumstances. Moreover, any future development at No 11 would be determined on its own merits.

12. Accordingly, I conclude that the appeal development would result in harm to the living conditions of occupiers of neighbouring property 11 Mill Lane, with regard to outlook and overshadowing. Consequently, the development would conflict with Policies DM5 and DM6 of the Newark & Sherwood Allocations & Development Management Development Plan Document with regard to amenity considerations. Although Core Policy 9 of the Amended Core Strategy is cited in

the reason for refusal, I find no direct conflict with it; however, this lack of conflict does not mitigate or outweigh the harm identified.

Other matters

13. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. A high standard of amenity for existing and future users is a key element of sustainability as set out in paragraph 127 (f). In this case, given that the proposal would adversely affect the living conditions of the occupiers of No 11 it would not constitute the sustainable development the Framework seeks to achieve.

14. I note that the Parish Council and the Conservation Officer did not object to the scheme. However, this is a neutral matter rather than one that carries weight in favour of the development.

Recommendation

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

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Searson

INSPECTOR