



Appeal Decision

Site visit made on 3 June 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/Y2003/D/20/3244227

8 Woodbine Avenue, Brigg DN20 8QH

- 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 Robin Hind against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1631, dated 26 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is a house extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 7 Woodbine Avenue with regard to light.

Reasons

3. The appeal relates to a proposed two storey extension to the rear of 8 Woodbine Avenue, a two-storey end-terrace property with a hipped roof. With a flat roof taller than the eaves of the original building, the extension would be of some substantial height. It would project around 3m from the rear of the existing building, alongside the boundary with the adjoining property, No 7, and adjacent to part of a hard-surfaced patio area immediately to the rear of that neighbouring dwelling. No 7 has glazed patio doors in its rear elevation close to the appeal site boundary, which serve a living/sitting room area.
4. The Council's Supplementary Planning Guidance 1: Design Guidance for House Extensions (the SPG) advises as to the depth and height of rear extensions which the Council considers would be acceptable without adjoining property suffering any adverse loss of daylight/sunlight. The SPG advises that lines drawn at a 45 degree angle horizontally and at a 30 degree angle vertically from the nearest ground floor main window of a neighbouring property show the maximum acceptable depth and greatest permissible height of an extension respectively. Beyond those lines, the SPG advises, an unacceptable degree of light loss may result, and refusal of planning permission would be likely.
5. The evidence indicates that the extension proposed in this case would extend beyond lines drawn at both a 45 degree angle horizontally, and at a 30 degree angle vertically, from the rear patio doors at No 7. On that basis, and as a

- result of its significant height, its proximity to the rear patio doors at No 7, and its location roughly to the south/south east of that neighbouring property, I consider that the proposed extension would significantly and unacceptably reduce the amount of daylight and sunlight reaching those patio doors.
6. The adjacent living room at No 7 is a relatively deep room, which occupies the full depth of the house. Whilst it is served by a further window in its front elevation, it is therefore also likely to be reliant on the larger, west/south west facing patio doors in its rear elevation, close to the site boundary, to provide adequate light levels to that area. The significant reduction in light levels to those rear patio doors which would arise as a result of the proposed extension would thus have an adverse effect on the light levels within that neighbouring living room overall, and on the use and enjoyment of that main habitable space by neighbouring occupants.
 7. Furthermore, due to its height and projection immediately alongside and roughly to the south/south east of the patio area to the rear of No 7, the extension would result in a significant increase in the degree and duration of overshadowing of that adjacent external area, adversely affecting its use and enjoyment by neighbouring occupants. I observed that No 7 and the appeal site have long rear gardens, with low boundary treatments and a relatively open aspect. However, based on its proximity to the house, and the presence of outdoor furniture in that area at the time of my visit, I consider that paved area immediately to the rear of the neighbouring property is nonetheless likely to be a well-used part of that garden, and that the reduction in light levels in that area as a result of the extension would have an adverse effect on the neighbouring occupants' use and enjoyment of their garden area overall.
 8. The appellant refers to afternoon sunlight levels to the rear of the property as being 'excessive' and requiring the use of curtains to provide screening and reduce temperatures at certain times. However, whilst I observed what appeared to be a retractable canopy above the patio doors of No 7, at present the use of such measures is flexible and at the discretion of the occupants, who have the choice as to whether they wish to do so in order to provide screening or shade at various times. In contrast, the proposed extension would be a permanent feature, providing neighbouring occupants no such discretion as to whether they wished to provide shading of that area, and reducing sunlight at times when it may not otherwise be considered 'excessive'. The presence or use of such temporary features therefore does not alter my conclusions regarding the harm I have identified as arising from the proposed extension.
 9. I have been referred to the extension providing shelter from the wind. However, the limited evidence before me does not indicate that any benefits in that regard would be of such significance as to outweigh the harm arising as a result of reduced light levels to the internal and external areas of the adjoining property.
 10. I observed that two storey rear extensions have been carried out to the rear of neighbouring houses at 9 and 10 Woodbine Avenue. The evidence before me is limited with regard to the circumstances in which those extensions were built. However, Nos 9 and 10 are a pair of semi-detached houses, and the depth of their respective rear extensions are similar to one another, such that neither extends notably beyond the rear of the other, or alongside the rear garden of its adjoining neighbour. Consequently, the context of those extensions, and the

effects of each on the other adjoining property, are not directly comparable to those which would arise as a result of the development before me, where the adjoining property has no such similar rear projection. In any event, I have considered the current appeal on its own planning merits.

11. For the reasons given I conclude that the proposed development would have an adverse effect on the living conditions of the occupants of 7 Woodbine Avenue with regard to light. The proposal would therefore conflict with Policies DS1 and DS5 of the North Lincolnshire Local Plan which, amongst other things, require a high standard of design and state that proposals for residential extensions should not cause overshadowing as a result of the height and depth of the extension blocking daylight and sunlight, particularly in the case of two storey extensions located on or close to the boundary.

Conclusion

12. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR