
Appeal Decision

Site visit made on 29 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2020

Appeal Ref: APP/L1765/W/19/3241820

8 Culver Road, Winchester SO23 9JF

- 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 Jonathan Macey against the decision of Winchester City Council.
 - The application Ref 19/01598/HOU, dated 22 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as the 'demolition of existing rear extension, proposed single rear and two storey rear and side extensions (amended proposal)'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'demolition of existing rear extension, proposed single rear and two storey rear and side extensions (amended proposal)' at 8 Culver Road, Winchester SO23 9JF in accordance with the terms of the application, Ref 19/01598/HOU, dated 22 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and As Proposed Floor Plans & Elevations, drawing 002B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the host building.

Procedural matters

2. I have taken the description of development from the appellant's appeal form which reflects the amendments made to the proposal prior to its determination by the Council.
3. As part of their appeal the appellant has submitted a Daylight and Sunlight Assessment for Planning, dated December 2019 (Assessment). The Council and interested parties have been given opportunity to comment on this. As such, I have taken the Assessment and subsequent representations into account in my determination of the appeal as this would not prejudice any party.

Main Issue

4. The main issue is the effect of the proposed two-storey rear extension on the living conditions of the occupiers of 2 Culver Road having particular regard to loss of light.

Reasons

5. The host property is an end of terrace, two-storey dwelling with a single-storey addition to the rear. To the north is the garden and outbuilding to 2 Culver Road with its dwelling and Canon Street properties beyond. These properties, along with some three-storey housing contribute to the enclosed character within this historic environment.
6. The proposal would add to the mass of the host building adjacent to the site's north boundary. The first-floor element of the two-storey rear extension would fill a modestly sized gap between the built form of No 8 and the outbuilding of No 2 as viewed from the properties to the north and north-east.
7. Due to the length and height of the proposal, and its separation from the rear elevations of the houses to the north and north-east, including No 2, the proposal would not cause any loss of light to the neighbouring properties' habitable rooms, including those with windows facing the proposal. This conclusion is supported by the appellant's evidence within their Assessment. The Assessment indicates that all the facing-windows at No 2 would continue to receive sufficient light to remain within the Building Research Establishment (BRE) tolerances. Furthermore, I note that having reviewed the Assessment the Council raises no further objection on this point.
8. Similarly, the majority of the garden of No 2 would not be affected by the proposals, save for the area immediately outside of its outbuilding. This area includes hard standing that can be used for siting out and also for the keeping of vehicles to the front of the outbuilding. As such, it contributes to the quality of the living conditions of the occupiers of No 2.
9. The appellant's Assessment has not been based on a site visit to the garden of No 2 and inaccurately identifies the most affected area as a separate garden to the outbuilding. Nonetheless, I note that its data indicates loss of light to that part of No 2's garden whilst remaining within BRE tolerances. I consider that the Assessment indicates that the effect of the proposal would not be unacceptable. I place some weight on these findings based on my own site observations from within No 2's garden.
10. Even if I were to find that the effect to this part of the garden would be unacceptable, I am conscious that the majority of the garden including the area immediately outside No 2 would be affected much less. Whilst the effect of the proposal on the garden area immediately adjacent to the appeal site would cause a loss of light, within No 2's garden overall, the effect of the proposal would be very limited.
11. Therefore, in conclusion on the main issue the proposal would not harm the living conditions of the occupiers of 2 Culver Road having particular regard to loss of light. As such, the proposal would not conflict with Policy DM17 of the Winchester District Local Plan Part 2, Adopted April 2017. This policy seeks, amongst other aims to achieve satisfactory new development in terms of its

impact off site, and to ensure that it does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overshadowing.

Other matters

12. Finally, I note the concerns raised by a number of third parties, including the City of Winchester Trust. These raise additional planning concerns such as the effect on the character and appearance of a designated conservation area. However, these do not form part of the Council's reason for refusal and I have no evidence to reach a contrary conclusion.

Conditions and conclusion

13. I have had regard to the suggested conditions by the Council and which the appellant has had opportunity to comment. I find that the suggested conditions are reasonable and necessary in order to define the terms of the permission and regarding materials, to protect the character and appearance of the area. I have made minor alterations for the sake of precision.
14. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR