
Appeal Decision

Site visit made on 7 July 2020 by Scott Britnell MSc FdA

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

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/P1615/D/20/3251095
62 Ruspidge Road, Ruspidge GL14 3AE

- 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 Stuart Jacques against the decision of Forest of Dean District Council.
 - The application Ref P1878/19/FUL, dated 26 November 2019, was refused by notice dated 11 March 2020.
 - The development proposed is extension to rear of dwelling.
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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.

Procedural Matters

3. The existing and proposed elevation drawings both show the ridge of the roof to the existing two storey rear outrigger to be the same height as that of the main roof. However, I observed it to be considerably lower than the main ridge at my site visit. There is also no information before me to indicate that raising the height of this roof formed part of the appeal proposal and I have proceeded on this basis.

Main Issue

4. The main issue in this matter is the effect of the proposal on the living conditions of the occupants of 60a Ruspidge Road (60a), with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site comprises a two storey detached dwelling on the east side of Ruspidge Road. The proposal is for the erection of a part two storey part single storey rear extension to replace an existing single storey addition to a two storey outrigger.
6. The proposed extension would project beyond the rear elevation of the outrigger at the same depth as the existing single storey extension but would include an additional floor. Due to its depth, height and proximity to the

boundary with 60a, the proposal would result in an overbearing presence when viewed from the closest ground floor rear patio doors of that property, and the area of garden closest to its rear elevation. The patio doors serve the dining room which is a habitable room typically used for everyday living. Thus, these areas would be less pleasant to use, causing harm to the living conditions of the occupants of 60a.

7. In reaching this conclusion, I note that the rear garden of 60a is largely elevated. However, this does not include the area closest to the rear elevation of the dwelling. There is also a detached garage to the rear of the garden which serves the appeal dwelling and is at a higher level. The outlook afforded to the occupants of 60a is therefore already limited and I do not consider that the rear garden benefits from the sense of openness suggested by the appellant. In conjunction with the presence of this garage, the proposal would result in an unacceptable sense of enclosure that would be apparent from the dining room window and rear garden. This would add to the overbearing effect identified, exacerbating that harm.
8. I have had regard to the appellant's external daylight study, which is concerned with the levels of daylight and sunlight affecting the rear windows and patio doors at 60a. While I acknowledge that this indicates the proposal is unlikely to result in a significant loss of daylight and sunlight to these windows and the doors, the proposal would result in an unacceptable sense of overbearing and enclosure for the reasons set out above.
9. I note the condition of the existing single storey addition. Given the condition of that structure, I consider that the proposal would improve the appearance of the property and the wider area, given its visibility from neighbouring gardens and the public realm. I also acknowledge that it would be of an appropriate scale to the host dwelling and would use matching materials. Moreover, the proposal is supported by the occupants of 60a and other neighbours and would not lead to a loss of privacy affecting the occupants of those properties. Nevertheless, the proposal would cause unacceptable harm to the living conditions for the occupants of 60a in the terms that I have set out and I do not consider that these matters outweigh that harm.
10. I conclude that the proposal would cause harm to the living conditions of the occupants of 60a. There would be conflict with Policy AP.4 of the Allocations Plan 2006 to 2026 Adopted June 2018 (AP), which states that new development should respect the amenity of residents and others. There would also be conflict with Paragraph 127 f of the National Planning Policy Framework, which states that developments should have a high standard of amenity for existing users.
11. The Council's refusal reason also refers to Policies CSP.1 of the Core Strategy Adopted Version 2012 and AP.1 of the AP. I consider that these are strategic level policies and are not directly relevant to the appeal proposal. Reference is also made to Page 4 of the Forest of Dean Residential Design Guide Alterations & Extensions (RDG). I note that the Council have used the 30 and 45 degree methods illustrated in this document to assess the potential overbearing effect of the proposal. While such methods are commonly employed by Councils, in this case the supporting text refers specifically to impacts on daylight and privacy. Consequently, I do not consider that the RDG is relevant to my assessment of this matter.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

13. 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