



Appeal Decision

Site visit made on 14 July 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/B3410/D/20/3246165

141 Thornley Street, Burton Upon Trent DE14 2QP

- 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 Hussain against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/01005, dated 9 August 2019, was refused by notice dated 16 November 2019.
 - The development proposed is extension to first floor above existing single storey extension to accommodate new prayer/study room and replacement bathroom.
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Decision

1. The appeal is allowed. Planning permission is granted for an extension to first floor above existing single extension to accommodate new prayer/study room and replacement bathroom at 141 Thornley Street, Burton Upon Trent DE14 2QP in accordance with the terms of the application Ref: P/2019/01005 dated 9 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A102 Existing Elevations and Floor Plans; A101C Revised proposed elevations and floor plans; A103A Location and Block and Roof Plan.

Application for costs

2. An application for costs was made by Mr Hussain against East Staffordshire Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the development on the living conditions of neighbouring residents having regard to possible implications for overbearing impact, outlook and light.

Reasons

4. The proposal is to create a first-floor extension over part of the existing ground floor section. The new roof would extend the existing eaves and re-install the window from the existing first floor area.
5. The extension itself would appear modest in comparison to the existing dwelling and would not appear incongruous from a design perspective as it follows the design principles of the existing dwelling. The proposal would not be visible within the street scene, nor would it be overbearing in the locality or to nearby residents. In conclusion, it would not harm to the character and appearance of the area.
6. I acknowledge that the extension breaches the 45 degree rule as set out in the Separation Distances and Amenity Supplementary Planning Document (SPD), but as the existing property already breaches this rule, a modest extension of this nature would not cause any additional harm to the adjacent property and the sunlight path would not be affected by the extension, and as a result no additional loss of light would be expected from the proposed extension. Therefore, whilst the proposal results in a minor additional sense of enclosure to one side for the adjacent resident, the wider outlook from the rear of the adjacent property is not compromised as a result of the development.
7. As a result, I find no conflict with Policies SP1, DP1 and DP3 of the East Staffordshire Local Plan (2015), the Separation Distances and Amenity SPD the East Staffordshire Design Guide, which collectively, amongst other matters, seek development to integrate with the character of the townscape, protect the amenity of nearby residential properties and be of high quality design.

Conditions

8. In terms of the conditions imposed, I have included standard conditions in relation to the commencement of development and that the proposal should be constructed in accordance with submitted plans, in the interests of certainty. A condition regarding matching materials safeguards the character and appearance of the area.

Conclusion

9. For the above reasons, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR