



Appeal Decision

Site visit made on 9 July 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/J0540/D/20/3246681

12 Newport Way, Ufford PE9 3BN

- 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 Richardson against the decision of Peterborough City Council.
 - The application Ref 19/01552/HHFUL, dated 15 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as part two-storey extension and part single-storey extension to rear and demolition of existing rear projection.
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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 occupiers of 11 Newport Way, with particular regards to outlook and sunlight.

Reasons

3. Policy LP17 of the Peterborough Local Plan (2019) (the Local Plan) seeks to protect the living conditions of neighbours to, and future occupiers of, new development.
4. The appellant details that the site benefits from planning permission¹ for a very similar development. The main difference being the depth of the first-floor extension. The appellant states that in this appeal they are seeking an additional 0.6 metres (0.5 is referred to in the Council's report) to that already approved, to create a first floor extension projecting approximately 3.5metres from the existing dwelling directly on the boundary with no.11.
5. The proposed extension is shown on the submitted plans as being in very close proximity to the boundary with no.11 and consequently a first floor window of that property.
6. The appellant has submitted a plan titled 'Diffuse Skylight Assessment' showing a line 45 degrees from the edge of the proposed first floor extension towards No.11, in both elevation and plan form. The plan has been annotated with reference to the BRE Site Layout Planning for Daylight and Sunlight. I have not been provided with a copy of this document or any other specific commentary

¹ 19/00992/HHFUL - 03 October 2019

regarding the 45-degree line, but I am aware that it can be a useful tool to aid the understanding of the effect of a proposed development.

7. The Plans shows that the first-floor window of no.11 would be substantially within the 45-degree line shown on the aforementioned plan, but not in respect of the elevation.
8. Furthermore, at the site visit I saw that the rear of the appeal property faces towards the south and therefore the proposed development would cast a shadow over parts of no.11 resulting in a harmful effect on the living conditions of the occupiers of that property.
9. On the basis of the evidence before me I find that as a result of the proximity of the proposed extension to the boundary with no.11, and in combination with the projection of the extension from the rear elevation of the appeal property, the proposed development would result in an unacceptable impact on the living conditions, in particular with regards outlook and daylight, of the occupiers of the neighbouring property. This is irrespective of the absence of an objection from the occupiers of no.11. As such the proposed development is contrary to Policy LP17 of the Local Plan.

Other Matters

10. I note the absence of an objection to the proposed development from the occupiers of no.11, however this does not negate the harm that I have identified.
11. The appellants have expressed a desire for a larger extension to create more space in the proposed bedroom allowing them to create a family home. This is principally a private benefit and it does not outweigh the harm I have identified previously.

Conclusion

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

Mark Brooker

INSPECTOR