



Appeal Decision

Site visit made on 28 July 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/V0510/D/20/3247010

24 New Barns Road, Ely, CB7 4PN

- 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 Mrs Sonia Johnson against the decision of East Cambridgeshire District Council.
 - The application Ref: 19/01503/FUL dated 23 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is described as proposed first floor extension above existing ground floor kitchen/dining room to create new master bedroom suite.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living of conditions of the occupiers of No. 26 New Barns Road with particular reference to daylight and outlook.

Reasons

3. The appeal site (no. 24) is an elegant double-fronted late 19th century villa, adjoining No. 26 which is a similar double fronted property. The proposals would add a first-floor gable roof extension above an existing single storey flat roofed rear projection which lies on and close to the common boundary with No. 26. No. 26 benefits from a relatively narrow but considerable rear projection along one side of the rear plot. The accommodation in the projection closest to the main dwelling and proposal provides a kitchen area served by two modest windows facing the proposed extension, next to which is a WC and utility area. Within the main dwelling the closest ground floor windows serve a WC and hallway. At first floor level the closest window serves a bedroom.
4. The rear facade of No. 26 is set further back than the appeal site dwelling. This would reduce the effective depth of the extension to approximately 3.8m and reduces the visibility of the proposed approximately 6.9m deep roof ridge. Notwithstanding this, due to its height, depth, close proximity, location on and close to the boundary, lack of relief and direct viewing angles from the kitchen, the development would appear significantly overbearing. It would result in a significant loss of outlook from the facing kitchen windows such that it would result in harmful living conditions to the occupiers of No. 26.

5. Given the distance of and viewing angles from the other habitable rooms in the projection, the effect upon outlook would not be so significant so as to result in harmful living conditions from these rooms. The proximity and depth of the development would result in a minor loss of outlook from the first floor rear bedroom window. However, the angle and limited height means this would also not be so significant so as to result in harmful living conditions.
6. The extension would appear overbearing and result in a loss of outlook from the part of the rear patio area closest to the original dwelling and the kitchen. However, in proportion to the rest of the maturely vegetated paved area the affected area would be relatively small. Given the sizeable patio area as a whole and the overall amount of outlook this area has, the development would result in a limited adverse effect upon outlook when viewed from the patio area of No. 26, which would not be likely to result in harmful living conditions.
7. As the development would be to the south west of the patio area, given its height it would result in some reduction in sunlight and daylight on part of the patio area. However, this area is south east facing. Notwithstanding a mature but recently pollarded tree, it would be likely to enjoy a reasonable amount and duration of daylight and sunlight, particularly during the morning. The appellant has provided an assessment of overshadowing at No. 26 for 21 March and July at three points in the day. This suggests the development would not discernibly increase shadowing at 11:00 hrs, and by 14:00 hrs the increase would be limited.
8. The assessment only covers parts of the longest days of the year, does not measure daylight levels, and the extent of shadow cover is not the only contributor to daylight levels. However, based upon the information before me the development would not appear to result in the patio area as a whole being in breach of the Building Research Establishment guidelines to ensure at least half of a garden receives at least 2 hours of sunlight on 21 March. Given the depth of the useable patio area, its south eastern orientation and the limited increased shadowing, the overall reduction in daylight levels would be limited. Therefore, the development would not be likely to result in a harmful loss of daylight to the patio area, so it would not result in harmful living conditions.
9. Whilst the development would not be likely to result in harmful living conditions with regard to loss of daylight or outlook at the patio area and some habitable rooms in the rear projection, it would result in harmful living conditions for the occupiers of No. 26 with regard to loss of outlook from the kitchen. That is the prevailing consideration. For these reasons the development would conflict with Policy ENV2 of the East Cambridgeshire Local Plan (2015) (the Local Plan), which expects development to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers.

Other Matters

10. The Council considers the development would not cause any significant harm to the character and appearance of the area having regard to the relevant criteria of Policies ENV2 and ENV11 of the Local Plan, and I see no reason to disagree. The appeal site lies within the Ely Conservation Area (ECA). Special attention should be given to the desirability of preserving or enhancing the character or appearance of the ECA under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this location the ECA derives its

significance from the well preserved historic dwellings, large verdant rear plots, parkland areas and mature vegetation with occasional views of the Cathedral.

11. The development would be behind a substantial villa building, well below the level of the existing roof ridge, within the existing footprint of the ground floor extension. It would have very limited visibility beyond the immediately adjoining neighbours. From New Barns Road it would only appear briefly visible from a narrowing passing view between the appeal site and a neighbouring dwelling to the south. Therefore, the proposed development would not affect, and therefore preserves the character and appearance of the ECA.

Conclusion

12. For the reasons set out above I conclude that the appeal should not succeed.

Dan Szymanski

INSPECTOR