
Appeal Decision

Site visit made on 13 July 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/Y3940/D/20/3250960

45A Marlborough Road, Royal Wootton Bassett, Wiltshire SN4 7SA

- 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 R Wilson against the decision of Wiltshire Council.
 - The application Ref 19/11324/FUL, dated 27 November 2019, was refused by notice dated 13 March 2020.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension at 45A Marlborough Road, Royal Wootton Bassett, Wiltshire SN4 7SA, in accordance with the terms of the application, Ref 19/11324/FUL, dated 27 November 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: Block Plan (1:500 A4); 19/1370/01 Existing/Proposed.
 - 3) 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.

Main Issue

2. The main issue is the effect of the development on the living conditions of neighbours, particularly the occupants of No 44 Marlborough Road.

Reasons

3. The site is a residential property near the southern edge of Royal Wootton Bassett within a row of other houses set within a rural area. The proposed extension would add two storeys to the rear of the house. This extension would be in close proximity to the neighbouring houses to either side, particularly the house to the East (No 44 Marlborough Road).
4. The Council has highlighted the impacts to the living conditions of the occupants of the house to the East in their reason for refusal. In this regard, I would agree that no other dwellings would be directly impacted by the development proposed to any significant degree.

5. The neighbouring house at No 44 has side elevation windows at both ground and first floor level. The proposed extension would be clearly visible from the first floor windows in the side of No 44. However, the proposed extension would involve a sloping roof down to a low eaves height at just above ground floor level. Therefore, the first floor windows in the side of this neighbouring property would not be significantly overshadowed by the development and views of the proposed extension would not be overbearing to occupants of these rooms.
6. The ground floor side elevation window in this neighbouring house is a high level window which serves primarily a lounge. This window is a secondary window for this room as there is a large glazed door to the rear elevation of the house also serving this lounge. However, this window also provides the main source of light to a dining room which is set within the centre of the house. This dining room has no direct windows to serve it due to previous extensions to this house towards the rear. This has resulted in this dining room being dependent primarily on borrowed light through the lounge.
7. The proposed extension would to some extent obscure views of the sky and reduced light levels received in this neighbouring window. However, considering the orientation of the appellant's house in relation to the house at No 44, it is clear that the sun would only be obscured for a relatively short time of the day. For much of the day the sun would not be significantly obscured, if at all, by the proposed extension. Furthermore, I also note that the rear extension as proposed is set off the side boundary and would have a roof which slopes down to a relatively low eaves level towards the boundary. This would further mitigate the impact to light received in this neighbour's side elevation window by the proposed extension.
8. The supporting information, including the BRE report into sunlight and daylight, does consider light to this ground floor side elevation window. However, this report does not fully consider the light received into this dining room itself and how it will be affected by the proposed extension. I note the conclusions of this document, particularly in relation to the impact described in relation to the 'Vertical Sky Component' (VSC) guidelines, which states that this side elevation window would be below the recommended level as a consequence of the development.
9. Whilst the VSC calculations are noted, it is not clear from this document how the light received in the dining room would be affected overall, albeit I accept there would be some reduction in natural light likely. I also note that as BRE did not access No 44 they have not calculated the daylight distribution for the dining room. Furthermore, the BRE letter also notes that only a proportion of light entering the window would likely make its way through the internal arch into the dining room as borrowed light. There could also be some light which gets to the dining room through the large glazed doors in the southern end of the living room.
10. For these reasons, the BRE report has not provided a thorough assessment of light impact for the dining room. Nonetheless, it is apparent that there would be less of a clear view of the sky from this window due to the position and height of the extension. However, it is my view, having been into the site itself and also within the neighbouring property, that even with less view of the sky the overshadowing impact of the proposed extension would not be significant

or to an unacceptable level in relation to the dining room in No 44. This room is already lacking in natural daylight, but I am not persuaded that the proposed extension would make it significantly darker throughout the course of the day.

11. For these reasons, it is my assessment that the proposed extension would not significantly or unacceptably harm the living conditions of neighbours to the site, including the occupants of No 44 Marlborough Road. The proposal is therefore in accordance with Core Policy 57 of the Wiltshire Core Strategy, which requires that development should have regard to the impact on the amenity of existing neighbouring occupants, including a consideration of the issue of overshadowing, amongst other things.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
13. The Council has also suggested that informatives be included, but these cannot be included with this Decision Letter. However, I would advise that the appellant view the suggested informatives on the Council's Questionnaire for this appeal.
14. There is reference to the need for a parking plan in the Council's Officer Report, but this is not suggested with the conditions put forward. However, there does appear sufficient space for parking, even with an extra bedroom being formed and so there does not appear any substantive evidence to indicate a further parking plan be necessary. As such, no condition in relation to this has been included.
15. There is also mention in the Officer Report about restricting future dormers and also obscure glazing a proposed roof light. Again, no such condition has been suggested by the Council and on considering the proposal there is no need for such conditions to be included. Restrictions to permitted development rights should only be included where there are exceptional circumstances, but there are no such reasons in this case. It is my view, having inspected the proposed plans, that no further condition is required in this regard.

Conclusion

16. For the reasons outlined above and considering all matters raised the appeal should be allowed subject to the conditions set out in Paragraph 1 above.

S. Rennie

INSPECTOR