



Appeal Decision

Site visit made on 11 August 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/L3245/D/20/3254054

11A Queens Road, Bridgnorth WV15 5DG

- 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 Neil Anthony against the decision of Shropshire Council.
 - The application Ref 19/05523/FUL, dated 18 December 2019, was refused by notice dated 12 May 2020.
 - The development proposed is for a “two storey rear extension”.
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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 neighbouring occupants at 11 and 15 Queens Road, with respect to outlook, sense of enclosure and light.

Reasons

3. The appeal site is a two storey mid-terrace dwelling with a modestly sized rear garden area located on the eastern side of Queens Road. The surrounding area is suburban in character and appearance with the predominant built form comprising of terrace rows and semi-detached dwellings. Neighbouring property No 11 adjoins the appeal site on its northern boundary while No 15 adjoins the southern boundary of the appeal site.
4. Although described by the appellant as a two storey rear extension, the proposed development would be a partial single storey extension with the ground floor component extending beyond the proposed first floor element. The Council have expressed concerns regarding the combined height and width of the two storey component of the proposal, as it would occupy the predominant width of the appeal site and match the ridge and eaves height of the host dwelling roof. They have specifically described the close proximity of the proposed rear extension to habitable room windows at Nos 11 and 15 as harming the outlook from those rooms due to the overbearing effect introduced by the proposal.
5. I observed during my site visit that No 11 had a small glazed window and a large two bay glass sliding door off a habitable room located near the shared boundary with the appeal site at ground floor level. I similarly observed a three bay window serving a habitable room at the ground floor level of No 15, located close to the shared boundary of the appeal site. While the appellant

has described how the proposed first floor extension has been setback to preserve the degree of outlook experienced from first floor windows at Nos 11 and 15, there is no discussion or consideration of the effect on the ground floor windows and glass sliding door I identified. It is clear, in my view, that the combined two storey height of the proposal and proximity to the shared boundaries would represent a harmful overbearing built form which would unduly effect the outlook experienced from the ground floor windows and sliding door of Nos 11 and 15 in particular.

6. With respect to access to light, the orientation of the terrace row and raised topography of the rear garden areas already limits the degree of light experienced from the rear facing habitable windows throughout the day. The submitted solar studies illustrate that No 11 would be overshadowed by the proposed rear extension, at both ground and first floor levels, earlier in the day than it otherwise would be. Given the limited degree of light experienced from the rear facing habitable windows and glass doors along the terrace row throughout the day, any overshadowing effect would significantly compromise the living conditions within those rooms. Reliance upon the submitted solar studies is further questioned as the windows shown on the neighbouring properties did not match what I observed during my site visit. This suggests there could be a greater level of overshadowing than is otherwise illustrated based on my site visit observations.
7. I note the appellant contends that the proposed ground floor extension has the greatest overshadowing impact on No 11 and as such is acceptable given the comparable extent to that under permitted development rights. However, the proposed first floor extension projects beyond what is accepted under permitted development rights and therefore amounts to a greater degree of harm to No 11 and its access to light than suggested. As such, this does not lessen the harm identified. I also note that No 15 is not affected by any overshadowing from the appeal proposal given its southern location compared to the appeal site.
8. The appellant describes an amended proposed plan which lowers the eaves of the rear extension by 900mm. However, no such amendment has been provided for consideration as part of this appeal. Nevertheless, I am not satisfied that such a change in eaves levels would address the identified harm resulting from the combined height and width of the proposal. The suggested lack of objections, particularly from neighbouring occupants, in line with the Council's reasons for refusal or the procedure in which the Council determined the application are neutral considerations which do not outweigh the harm I have identified.
9. The appellant refers to examples of similar two storey rear extensions on mid-terrace dwellings in the surrounding area. However, no specific details of the properties or the circumstances under which the suggested extensions were permitted have been provided by the appellant for consideration. I note that during my site visit I did not observe any similar extensions in the immediate vicinity of the appeal site. Nevertheless, each case is determined on its merits which I have done with the appeal before me.
10. Accordingly, the proposed development would harm the living conditions of neighbouring occupants at Nos 11 and 15 with respect to outlook and sense of enclosure collectively, and light with regard to No 11 specifically. It conflicts

with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted March 2011). This policy seeks, amongst other things, to ensure development achieves high quality design which is of an appropriate scale to respond to the surrounding local context and safeguards the residential and local amenity of neighbouring occupants.

Conclusion

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

J Gibson

INSPECTOR