



Appeal Decision

Site visit made on 16 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/Q1825/D/20/3255214

21 Crumpfields Lane, Redditch B97 5PN

- 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 Phil Thomas against the decision of Redditch Borough Council.
 - The application Ref 19/01410/FUL, dated 25 Oct 2019, was refused by notice dated 8 May 2020.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent property having particular regard to outlook and light.

Reasons

3. The appeal site comprises a part two storey, part single storey detached dwelling located within a ribbon of residential development. The dwelling extends across almost the full width of the plot. The two storey part of the host dwelling is set away from the common side boundary with the adjacent property at 23 Crumpfields Lane with the nearest part of the dwelling to No 23 comprising the side gable of the single storey pitched roof element together with the side wall of a small flat roofed utility room. At this point of the site, the common side boundary between the two properties is marked by a solid timber fence.
4. The side gable of No 23 is set away from the common side boundary and faces towards the side elevation of the host dwelling. It contains a number of windows including ground floor kitchen and dining room windows and two first floor bedroom windows. All of these rooms with the exception of one of the bedrooms also contains another window in the rear elevation, albeit in the case of the kitchen, the rear facing window is smaller.
5. The proposal is to construct a first floor above the single storey pitched roof element near to No 23. The eaves and ridge height of the extension would match that of the two storey part of the host dwelling. The relative position of the two properties means that the outlook from the side facing kitchen window of No 23 is already severely restricted and this would be restricted yet further

- by the proposal. The additional bulk of the proposed extension would have an overbearing effect on the outlook from the side facing kitchen window and this reduced outlook would not be mitigated by the presence of a rear facing window in the kitchen as this window is much smaller. To a lesser degree, the extension would also result in a material loss of outlook to the first floor bedroom positioned nearest to the front of No 23, given that the window affected is the only window serving this bedroom. Although there would also be some impact on the outlook from the ground floor dining room and other first floor bedroom, this impact would not be materially harmful given the position of these rooms relative to the proposed extension and having regard to the fact that they have other large windows not affected by the proposal.
6. The scale, height and additional bulk of the extension positioned very close to side facing windows at No 23 means that it would be likely to result in a material loss of daylight to the ground floor kitchen window and some loss of daylight to other side facing windows, albeit not to the extent that it would be likely to be materially harmful. The appellant acknowledges that the existing host dwelling breaches Building Research Establishment (BRE) guidance in respect of daylight in terms of the 25 degree angle test when applied to the kitchen window. Though under such circumstances the BRE guidance states that calculating the vertical sky component (VSC) can provide a more detailed assessment, no such assessment of the VSC has been carried out by the appellant. Whilst I note that it appears that the opportunity was not provided to submit an assessment during the course of the application, one could have been submitted with the appeal. In the absence of this and having regard to what I saw at my visit including the presence of items on the kitchen windowsill, I consider it likely that the proposal would result in an unacceptable loss of daylight to the ground floor, side facing kitchen window.
 7. The position of the host dwelling to the north of the side elevation of No 23 means that there would not be any significant overshadowing and this is shown on the submitted shadow analysis drawings.
 8. My attention has been drawn by the appellant to the fact that planning permission was granted in December 2017 for a first floor side extension similar to the proposal, but narrower, meaning that it would be further away from No 23 (Ref 17/01234/FUL). Notwithstanding this, the proposed extension would be larger and nearer to No 23 than the previously approved extension and I consider that the additional impact on the outlook from and the light received by No 23 would be materially harmful. Although I note the presence of the boundary fence and landscaping, neither of these significantly affect outlook from No 23 or mean that the loss of outlook resulting from the extension would not be significant. What may or may not be done to the layout of No 23 in the future is not a matter for me and whilst the existing layout of No 23 could be considered to be unusual, I must nevertheless have regard to it.
 9. I have also been referred to a development approved by the Council at 17 Crumpfields Lane and its relationship with a neighbouring property (Ref 2015/0178/FUL). I have been provided with copies of documentation in relation to the proposal. Although I have had regard to the documentation, it is not clear what the exact relationship between the properties is and whether any of the affected windows referred to are the sole or main windows to the rooms in question. The photograph of the dining room at No 17 shows a large

patio door/window and what appears to be another window on the other side of the room. The proposals and sites do not therefore appear to be directly comparable and in any event, I must determine the proposal before me on its own merits.

10. The Council did not raise any concerns in respect of the effect of the proposal on any other nearby properties and I see no reason to disagree with its findings on this issue having regard to the scale and position of the extension.
11. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 23 Crumpfields Lane having particular regard to outlook and daylight. It is therefore contrary to policies 39 and 40 of the Borough of Redditch Local Plan No.4 adopted January 2017 and to relevant guidance contained within the Borough of Redditch High Quality Design SPD adopted June 2019. These policies and this guidance seek, amongst other things, to ensure that development is well designed and that it incorporates relevant guidance within SPDs including that consideration is given to the impact on neighbouring properties and protection of neighbouring amenity.

Other Matters

12. In reaching my decision I note and have had regard to the fact that the appellant has a growing family and that he is seeking to provide what he considers to be much needed and affordable family accommodation. The appellant does not consider that the previously approved extension meets his needs. However, whilst I am sympathetic to his needs, there is no evidence to suggest that the proposal is the only solution available and that the required accommodation could not be provided in a way less harmful to the living conditions of nearby occupiers. Finally, I note that the extension would be constructed from matching materials and that the Council raises no objections to its design which would result in a more symmetrical appearance to the host dwelling. However, any benefits of the proposal would not outweigh the harm to living conditions that I have identified.

Conclusion

13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR