The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020 by Ben Phillips BSc MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/D0121/D/20/3255513
1 St Pauls Road, Weston-Super-Mare BS23 4AB

- 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 & Mrs Lam against the decision of North Somerset Council.
- The application Ref 20/P/0103/FUH, dated 14 January 2020, was refused by notice dated 1 May 2020.
- The development proposed is described as an erection of a first floor extension with enclosed external staircase to flat roof detached garage to form home office and gym. Revised resubmission of application number 19/P0602/FUH / appeal number APP/D0121/D/19/3231459.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in this case is the effect of the proposed extension on the living conditions of nearby occupiers, with particular regard to light, outlook and privacy.

Reasons for Recommendation

4. The appeal site comprises of an existing outbuilding to the rear of a large detached Victorian property in a residential area of Weston Super Mare. The outbuilding, a large flat roofed 5 bay garage building, is sited on the rear boundary and is currently used for general storage. Its rear elevation is immediately next to and extends above the rear boundary wall with the residential units to the rear.

5. These neighbouring units to the rear comprise of No 70 Severn Road, a large substantially extended property converted into flats with a car parking area to its rear adjacent to the outbuilding, and No 68 Severn Road, a detached dwelling sited perpendicular to the rear boundary, with its side elevation some 3m away. The only garden area serving this property is located in this area.

6. Given the separation distance between the rear facing windows of No 70 and the outbuilding, some 10.5m, I do not consider that the additional height would

detrimentally impact the level of light reaching these windows or the outlook from them to an extent that would harm the living conditions of occupiers of this property. In this regard there would be no conflict with Polices DM32 and DM38 of the adopted North Somerset Development Management Sites and Policies Plan (Part 1) (2016) (DM) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours) 2013 (SPD), which seek to ensure proposals do not prejudice the living conditions of adjoining occupiers.

7. However, No 68 has a side elevation door and window serving a kitchen facing its rear boundary and in close proximity to it. It appears that this is the sole window serving this room. Due to the limited separation distance, it is likely that the light reaching this room is restricted and the outlook from it is poor.

8. The new roof proposed, whilst lower than that which was previously found unacceptable, would be taller than the existing roof. Being sited in a southerly direction to No 68, the proposal would be likely to reduce the amount of light that the window and part glazed door in the side of No 68 receives.

9. The increase in height of the garage building would also result in a tall, imposing feature within close proximity of the kitchen window, door and garden of No 68, which would be intrusive and dominant in the outlook from the room the fenestration serves and from the garden area.

10. Given the above I find that the proposal would be likely to make the room that the window and door serves and the garden area of No 68 significantly less pleasant to use. Harm to the living conditions of the occupiers of this property would result.

11. The proposed first floor would incorporate 4 front windows. Whilst the two windows closest to each side would be angled away from the closest boundaries, it is likely that somebody stood by the window would be able to see the rear elevation and parts of the garden of both No 33 Clarence Road North and No 3 St Pauls Road. Whilst the separation distance involved would be unlikely to result in a loss of privacy to the rear rooms of No 33, the separation distance to the rear habitable room windows of No 3 would be less than the 21m required by the SPD. Whilst views from the extended building would be oblique, there is a high probability there would be a marked sense of being overlooked by users of the rear rooms of this dwelling. The proposal would make the rear facing rooms of No 3 less pleasant to use as a result.

12. Moreover, views from the windows in the proposed extension would, as a result of their elevated nature, be likely to result in a loss of privacy to the rear gardens of both Nos 3 and 33. This would be likely to reduce the enjoyment of these gardens, which would be harmful to the living conditions of the occupiers of them. This harm would not be mitigated permanently by screening provided by seasonal boundary vegetation.

13. The appellants have referenced a granting of permission for a new detached dwelling within the garden of No 27 Clarence Road[1]. However, the plans show that this dwelling only has rooflights on its southern elevation facing the properties along Clarence Road. The Council will have likely assessed the impact of this scheme on the living conditions of nearby occupiers and found

[1] Application reference 1/P/2756/F

them to be acceptable, which is not the case with the proposal before me. Moreover, the western side elevation window of this property directly faces an outbuilding of No 29. As such this development is not directly comparable to the proposed scheme.

14. In light of the foregoing, I conclude that the extension would harm the living conditions of the occupiers of No 68 Severn Road with regards to outlook and light, in addition to harming the living conditions of the occupiers of Nos 33 Clarence Road North and 3 St Pauls Road with regards to privacy. There is therefore conflict with DM Polices DM32 and DM38 and the SPD.

Other Matters

15. It is noted that the site is located within the Greater Weston Conservation Area (CA). As such I have had regard to the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance.

16. No detail is provided regarding this designation; however, it is evident that its significance lies with the quality of the built environment within the locality. Given the siting of the outbuilding at the rear of the dwelling, I find that it would not result in an adverse impact on views from the surrounding streets. It would also be seen in the context of surrounding two and three storey buildings so would not appear incongruous. Therefore, I find that the proposal would preserve the character and appearance of the CA and its significance as a designated heritage asset.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR