

Appeal Decision

Site Visit made on 13 October 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/G0908/D/20/3255005

7 Kings Avenue, Seaton, WORKINGTON, CA14 1DR

- 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 Darren Wylie against the decision of Allerdale Borough Council.
 - The application Ref HOU/2020/0072, dated 27 April 2020, was refused by notice dated 22 June 2020.
 - The development proposed is the *proposed two storey rear extension and demolition of existing garage*.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and demolition of existing garage at 7 Kings Avenue, Seaton, WORKINGTON, CA14 1DR, in accordance with the terms of the application, Ref HOU/2020/0072, dated 27 April 2020, 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 approved plans listed in schedule: 7KA-DW-002 REV B - Proposed Elevations (Amended Plan Received 03/06/2020) 7KA-DW-003 REV B - Proposed North Elevation (Amended Plan Received 03/06/2020) 7KA-DW-004 REV B- Proposed South Elevation (Amended Plan Received 03/06/2020) 7KA-DW-005 REV B - Proposed East Elevation (Amended Plan Received 03/06/2020) 7KA-DW-006 - Proposed West Elevation (Amended Plan Received 03/06/2020) 7KA-DW-008 REV B - Proposed Floor Plans (Amended Plan Received 03/06/2020) 7KA-DW-009 REV B - Proposed Site & Block Plans (Amended Plan Received 03/06/2020) 7KA-DW-010 REV B - Proposed Drainage Plans (Amended Plan Received 03/06/2020) Supporting Statement date 28/05/2020 – (Additional Information Received 03/06/2020).
 - 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.

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.

Preliminary Matters

3. The description of the proposal has changed and includes the demolition of the existing garage. As such I have used this description in the formal decision above.

Main Issue

4. The effect of the proposal on the character and appearance of the appeal property and the area and whether the proposal would be harmful to the living conditions of the neighbouring occupiers at No. 9 with respect to overbearing impact and loss of outlook.

Reasons

Character and appearance

5. No. 7 is a semi-detached dwelling separated from the neighbouring property, No. 9, by a shared driveway that runs between the properties and which provides access to corresponding detached garages which are set back from the rear elevation of the dwellings. Despite the presence of the garage and other outbuildings located to the rear of No. 7, the garden appears relatively open due in part to the wide and spacious gaps between properties allowing long views of the open landscape that bounds the housing estate.
6. The proposal comprises of a single storey extension that would cover the full width of the rear elevation along with a part two storey first floor extension that would be set in from the shared boundary with No. 5. The proposal would project out into the rear garden by 4-metres.
7. The Council state their concern is not with the overall design and use of materials of the proposal but with its scale. The first-floor element would be set down from the ridge line of the original roof with matching eaves. Those features would ensure that the form of the extension would respect the proportions of the original dwelling and the 4-metre projection would not appear overly dominant or juxtaposed having regard to the scale of the original property. Nor would it appear out of keeping with the character and appearance of the area generally. I noted a similar two storey extension in Kings Avenue and this type of development appears throughout the wider estate.
8. On this main issue I find that the proposal as a result of its design, scale and form would not have a detrimental effect on the character and appearance of appeal property or the area. Accordingly, the proposal complies with Policies DM14, DM15, and S4 of the Allerdale Local Plan Part 1 Strategic and Development Management Policies (2014) which collectively seek new development to integrate with its surroundings and which respect and responds to the characteristics of the site and its location. On this main issue the relevant policies are considered those that deal with design standards.

Living Conditions

9. The proposal would see the two-storey element project out from the rear wall by 4 metres and I also note that the rear of the dwelling is set slightly further back than the rear of No. 9. As a consequence, the side elevation of the two-storey extension would be prominent from the rear of No. 9, particularly when

occupiers of No. 9 are sat in their rear conservatory. However, as a result of the orientation of existing properties together with the separation distance between the proposal and the habitable rooms of No. 9, the proposal would not appear as an overly dominant or oppressive feature when seen from No.9.

10. Although it would be visible from the side windows of the conservatory, the rear windows of the structure would still provide open views onto the rear garden of No. 9. Moreover, as a result of No. 7 removing the detached garage, a sense of space and openness at the rear would be retained. Thus, although it would be visible, the proposal would not result in a gloomy, enclosed, or overbearing impact when seen from No. 9.
11. Taking these factors into consideration, I am not persuaded that the development would have a significantly harmful effect on the living conditions of the neighbouring occupiers at No. 9 with respect to overbearing outlook. The proposal therefore accords with Policies DM15 and S32 which seeks extensions to existing properties to safeguard the amenity of adjoining and adjacent occupiers. On this main issue the relevant policies are considered those that deal with safeguarding amenity.

Conditions

12. In addition to the standard time limit condition I recommend that a condition specifying the approved plans is attached as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.

Conclusion

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

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed.

Chris Preston

INSPECTOR