



Appeal Decision

Site visit made on 11 January 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/J1915/D/20/3261018

32 Manston Drive, Bishops Stortford CM23 5EL

- 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 Jim McGrath Dolan against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1313/HH, dated 13 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is first floor side extension above the existing garage and two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension above the existing garage and two storey rear extension at 32 Manston Drive, Bishops Stortford CM23 5EL in accordance with the terms of the application, Ref 3/20/1313/HH, dated 13 July 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 following approved plans: Location Plan Drawing Number 1093-19.PL.006; Existing & Proposed Ground Floor Plans Drawing Number 1093-19.PL.001 Rev. D; Existing & Proposed First Floor Plans Drawing Number 1093-19.PL.002 Rev. B; Existing & Proposed Roof Plans Drawing Number 1093-19.PL.003 Rev. A; Existing & Proposed Elevations 1/2 Drawing Number 1093-19.PL.004 Rev. B; and Existing & Proposed Elevations 2/2 Drawing Number 1093-19.PL.005.
 - 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.

Procedural Matter

2. The Council suggested that I visit the neighbouring property, 30 Manston Drive (No 30), in order to assess the appeal proposal from within that site. I note that the evidence does not indicate that the Council's Planning Officer carried out any assessment from within this neighbouring property. Nevertheless, due to the proximity of the appeal site to No 30, I was able to clearly view the relationship between them from both the public realm and from within the

appeal site itself. I am satisfied that no party has therefore been prejudiced in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 30 Manston Drive, with particular regard to daylight and sunlight and outlook.

Reasons

4. The appeal building (No 32) is a two storey semi-detached dwelling. The unattached neighbouring property, No 30, is a two storey dwelling with a single storey side extension which abuts the common boundary with the appeal site. There is a staggered building line within this stretch of the road, such that No 30's front elevation sits over 5 metres back from the principle elevation of No 32. No 30 has a double casement, high-level, obscure glazed window at first floor level that faces the appeal site, it is the only window in this elevation.
5. The Council's Planning Officer report suggests that this window serves a bedroom and is that room's only window. No assessment of daylight or sunlight impacts has been submitted with the appeal documents. Nevertheless, although there would be a slight infringement of the 45 degree sightline in relation to this window, this would result in only a negligible difference to the existing outlook from it. This is because its outlook is already restricted due to its obscure glazing and high-level position.
6. Taking this into account, and given that the proposed development would not result in built form directly opposite the window and the proposed roof form would be fully hipped, thereby sloping away from No 30 and maintaining upward openness, the effect of the proposal would not be overbearing.
7. In addition, there would be a limited difference to the amount of daylight and sunlight reaching this window. Even considering this window to serve a bedroom and for it to be its only window, the orientation and relationship of the proposed development to No 30, in relation to the path of the sun, is such that any overshadowing and reduction in daylight and sunlight would not be so significant as to cause unacceptable harm to the living conditions of the occupiers of No 30.
8. Such a close relationship is a feature of many properties within Manston Drive and having regard to the above factors, including that the proposed development would be separated from the flank wall of No 30 by approximately 3.5 metres and would not extend directly in front of the flank wall window of that neighbour, leads me to consider that the effect of the proposed development on the living conditions of the occupiers of No 30 would not be unduly harmful.
9. I therefore conclude that the proposal would not result in an unacceptable impact on the living conditions of the occupiers of 30 Manston Drive with particular regard to daylight and sunlight and outlook. Thus, it would comply with Policy DES4 of the East Herts District Plan 2018 and Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2017.

Conditions

10. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty. A condition requiring matching materials is necessary to ensure the development is in keeping with the existing property.

Conclusion

11. For the above reasons the appeal is allowed.

S Tudhope

Inspector