
Appeal Decision

Site visit made on 16 March 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/W1850/D/20/3265000

9 Ainslie Close, Hereford HR1 1JH

- 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 David Talboys against the decision of Herefordshire Council.
 - The application Ref 203195, dated 16 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is first floor rear extension and replacement garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There was a request to undertake a site visit from a neighbouring property. However, I was able to sufficiently observe the relationship between the site and neighbouring properties from the rear garden area of the site itself, and in conjunction with the submitted plans, make a decision under the appeal on this basis.

Main Issues

3. The main issues are:
 - (a) The effect of the proposal on the character and appearance of the area; and
 - (b) Living conditions of neighbouring occupiers in relation to potential overlooking, overshadowing, and overbearing.

Reasons

Character and Appearance

4. The site is located at 9 Ainslie Close, Hereford and comprises a detached bungalow on a modest sized plot of land. It is constructed using a mix of materials including red brick, render and timber. A notable feature of the bungalow is its shallow roof pitch wherein it sits inconspicuously within the street scene. In terms of dwellings in the immediate vicinity, along the eastern extent of Ainslie Close, the site is neighboured by other bungalows of a similar scale, albeit with steeper roof pitches. The western extent of Ainslie Close is home to dwellings of a larger scale, typically two storeys in height. The northern extent of Ainslie Close is also home to bungalows and other dwellings comprising two storeys in height.

5. Taken together, there is a varied mix of dwellings comprising different scales that can be observed along Ainslie Close, and this diversity of scale therein helps create an interesting street scene that enhances the character and appearance of the area.
6. For all intents and purposes the proposal would add an additional storey to the existing bungalow, which would dominate the original form of the building to the extent that it would read as a completely new dwelling. To this end, the proposal would result in the loss of a shallow roof bungalow along Ainslie Close and erode the diverse mix of properties that currently make a positive contribution to the character and appearance of the area.
7. In taking the appellant's point about the issue of subservience, it is clear that where an extension remains subservient to an existing dwelling and does not dominate or detract from its principal characteristic, it would be more likely to preserve the existing dwelling's role and contribution to the diversity and local distinctiveness of the street scene. The proposal is not subservient in this context.
8. The proposal would not be discordant with the scale of other two storey dwellings in the vicinity. However, the act of changing the fundamental nature of the existing dwelling as a shallow roof bungalow would harm the mix and diversity of scales in the area.
9. Overall, the proposal would fundamentally change the existing dwelling and harm the character and appearance of the area, conflicting with Policy SD1 of the Herefordshire Local Plan Core Strategy 2015 and Chapter 12 of the National Planning Policy Framework, which among other things require that buildings are designed to maintain local distinctiveness by respecting scale.

Living Conditions

10. The immediate neighbouring dwellings to the site are at 3 and 7 Ainslie Close, which are found around 10 metres to the north east and around 3 metres to the north west respectively. Notwithstanding approximate measurements, during my site visit the relationship between all of the buildings was perceptually close, especially in relation to 7 Ainslie Close.
11. Due to the fact that the existing building is a single storey bungalow, when standing in the rear garden area of the site, there was no feeling of overbearing or overshadowing on neighbouring properties. Furthermore, windows, due to their ground floor nature, were largely screened by intervening boundary treatments. Consequently, there was no actual or perceived notion of overlooking towards neighbours.
12. The proposal would add significant scale to the existing bungalow, to the extent that it would create a two storey dwelling. There would be a substantial differentiation in height between neighbouring 7 Ainslie Close and the proposal as a result.
13. Not only would this lead to a substantial change in the perception of the built form, the added bulk of which would create feelings of overbearing and overshadowing due to proximity, but the second storey would also circumvent the screening effects of the existing boundary treatments.

14. These effects would be less prominent at 3 Ainslie Close by comparison given that the building there is two storeys in height. However, the effects would still be appreciable within the rear garden area therein due to insufficient boundary treatments to reduce such effects.
15. Even if 3 Ainslie Close is relatively further away from the site in comparison to 7 Ainslie Close, during my site visit the garden area still appeared in sufficient proximity that the occupiers would feel the effects of the substantial bulk added by the proposal.
16. In addition to overbearing and overshadowing, there would also be a feeling of overlooking from first floor windows towards 3 Ainslie Close, which would further harm the enjoyment of the garden area therein.
17. The lack of elevated windows to the side of the proposal and facing 7 Ainslie Close would appear to eliminate actual levels of overlooking from the proposal. However, there is no evidence that the perception of overlooking would not remain from elevated dormer windows to the rear.
18. Potential views would be at an acute angle towards the rear garden area of 7 Ainslie Close and therefore mitigate potential overlooking to some extent. However, whether views are possible due to the acute angle of view or not, the perception of overlooking would persist.
19. A degree of overlooking is to be expected in a close knit residential context, however the degree of change in this case is substantial, and it is the scale of the change which gives me the greatest concern. Furthermore, there is no objective analysis of separation distances in front of me and therefore my assessment from visiting the site in conjunction with the plans is the basis for my conclusions.
20. Notwithstanding the eaves height, there is still a substantial addition of another storey compared to the shallow roof pitch of the existing bungalow. Consequently, it is not clear how this mitigates the effects of scale.
21. Overall, the proposal would harm the living conditions of neighbouring occupiers by reason of overlooking, overshadowing, and overbearing and this would create conflict with Policy SD1 of the Herefordshire Local Plan Core Strategy 2015 and Chapter 12 of the National Planning Policy Framework, which among other things require buildings to safeguard residential amenity for existing residents.

Other Matters

22. Due to intervening boundary treatments and other structures observed during my site visit, there is no evidence in front of me that there is a visual relationship between the Grade II listed building of Beech Tree House or that the proposal would impact on its setting.

Conclusion

23. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR