
Appeal Decision

Site visit made on 5 July 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28th July 2021

Appeal Ref: APP/W0530/W/21/3266252

48 Hillfield Road, Comberton CB23 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Daniel Maloney against South Cambridgeshire District Council.
 - The application Ref 20/04189/HFUL, is dated 11 October 2020.
 - The development proposed is the replacement of a single storey rear extension with a two storey rear and side extension and the addition of one extra parking space.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. Although the application was not determined, the Council's appeal statement makes clear that the main issues in this case are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of No 47 Hillfield Road in relation to outlook and light.

Reasons

Character and appearance

3. The proposal is for a two-storey side and rear extension to No 48, a semi-detached house in a row of similar properties on the northern side of Hillfield Road. The side extension would occupy the width of the driveway which runs alongside the property but would be set well back from the front elevation and have a lower ridgeline than the existing building, thus in isolation appearing subordinate to the main house.
4. The Council's statement indicates no objection to this element of the proposal, arguing that the remaining separation from the adjacent house, the driveway next to No 49, would allow a visual gap to be retained. However, this would not be the case if an extant planning permission for a side extension to No 49 is implemented¹. Inexplicably the Council do not assess the current application in the context of this permission as together the two extensions would all but

¹ Permission S/2371/19/FL dated September 2019

link the two buildings in a form of terracing effect. This would screen the long 9.8 m flank wall of the proposal, one of the stated concerns of the Council.

5. Whatever the views of the Council on this matter, the proposed two-storey extension would also wrap around the rear of the building, extending 4.23 m deep across the whole of the rear elevation. This would be about 1.4 m deeper than the existing single storey rear extension behind No 48 which aligns with a similar extension behind the adjacent property No 47. In addition, the roof form of No 48 would be significantly altered with the main ridgeline extended 90° to the rear at the same height as part of a large rearwards hipped roof.
6. The combined effect of the full width, height, excessive depth and bulky roof form of the rear extension would result in an unduly prominent addition to the existing house without precedent in the area. Although two side extensions to Nos 48 and 49 would preclude any significant views of the rear extension from Hillfield Road, the overly bulky extension would be readily apparent from several neighbouring rear gardens, significantly detracting from the character and appearance of this pleasant residential area. At the present time there are no two storey rear extensions to the rear of Nos 45-50 with the exception of a small two storey element to the rear of No 45 at the end of the row.
7. The appellant claims that the proposal complies with the guidance contained in the Council's Householder Design Guide 2012 (the HDG) but this is not correct. The HDG states that two (and single) storey rear extensions in the case of semi-detached properties are only generally acceptable if they do not exceed 3 m in depth, about the depth of the current single storey extension, whereas the proposal would be about 4.23 m deep.
8. For these reasons the proposal would significantly harm the character and appearance of the area in conflict with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 (the SCLP). This requires development to make a positive contribution, responding to its local context, respecting local distinctiveness and to be appropriate in terms of scale, mass, form, siting and design to the surrounding area.

Living conditions

9. No 48 is set well forward from the neighbouring property No 49 so the rear elevation of the proposed extension would roughly align with the rear elevation of the latter property. No windows are proposed on the side elevation of the extension and rear facing windows would look down the garden as is common in many residential areas. As such the proposal would not adversely affect the living conditions of the occupiers of No 49.
10. However, in relation to No 47, the attached semi-detached house, the proposed two-storey extension would project some 4.23 m back from the rear elevation, a considerable distance, and well beyond the existing single-storey extension behind that property. This would be unduly intrusive and overbearing when seen from the private garden immediately behind the house, restricting both daylight and sunlight during the mornings. In addition, the extension would be perceived as unduly bulky and consequently oppressive from adjacent windows notwithstanding the contrived solution to avoid infringing the 45° rule from the

centre of the nearest first floor window². Daylight in the rooms concerned would also be somewhat restricted.

11. Again the appellant claims that the proposal complies with the HDG, but this emphasises that the 45° rule is a general guide only and an extension may be unacceptable even if it appears acceptable on paper. In this case slicing off the corner of the extension at first floor level to satisfy the rule is not within the spirit of the HDG. It is also reasonable to apply a 45° rule concept to protect the amenity of the outdoor patio area of No 47 even though this is not specifically mentioned in the document.
12. For these reasons the proposal would significantly harm the living conditions of the occupiers of No 47 Hillfield Road in relation to outlook and light in conflict with SCLP Policy HQ/1. This requires development proposals to protect the amenity of surrounding occupiers from development that is overbearing or results in a loss of daylight.

Other matters

13. The appellant draws attention to a number of side extensions nearby but none of these include bulky rear extensions as proposed in this case.

Conclusion

14. The proposal would provide substantial additional living accommodation for the occupiers of No 48 but this benefit does not outweigh the harm identified under the two main issues and the associated conflict with the development plan.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

² By shaving off the corner of the first floor.