



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/B3438/D/21/3278493

1 The Green, Stoke-on-Trent ST11 9EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Joe Wood against the decision of Staffordshire Moorlands District Council.
 - The application Ref HNT/2021/0015, dated 9 May 2021, was refused by notice dated 21 June 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination has been made on the same basis.
4. The principle of the development is established by Part 1, Class A of the GPDO. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.

Main Issue

5. The main issue is the effect of the proposed development upon the living conditions of the neighbouring occupiers of No 2 The Green, with regard to sunlight and outlook.

Reasons

6. The appeal property comprises an end terrace dwelling that has been extended to the rear. Neighbouring property No 2 has been extended to a similar depth with a window and semi opaque door in the rear elevation and a skylight in the roof. These openings are the principal source of natural light to the rear of the house. The shared boundary between the properties is a wooden fence. The garden sizes vary considerably between the two properties. No 2's garden is modest compared to the appeal property.
7. Whilst No 2 has been extended with multiple windows serving the rear of the property, the overall depth and height of the proposed extension and its position along the boundary would result in a sense of enclosure to the occupants of this property when outdoors and inside their house.
8. I acknowledge that there is a balance to be struck between those wishing to extend, taking account of existing features, and safeguarding the living conditions of those living next door. However, in my judgement the proposed development would be a visually intrusive form of development that would be oppressive and overbearing severely diminishing the living conditions of neighbouring occupants in terms of loss of light and outlook.
9. Despite the orientation of the properties the presence of the proposed development would not only have a significant enclosing effect on the outlook from the rear of No 2, but would also overshadow it during the afternoon resulting in an unacceptable loss of sunlight for the occupants, particularly during the summer months.
10. I acknowledge that the 45-degree rule set out in the Staffordshire Moorlands Space about Dwellings Supplementary Planning Document (SPD) is guidance, as opposed to planning policy, nonetheless it sets out guidance in relation to extensions and obstruction of daylight to principal windows of existing properties. The proposed development would conflict with the Council's SPD in this regard.
11. The appellant contends it would be possible to construct a fence, an outbuilding and a rear extension utilising permitted development rights. I am not aware that a Certificate of Lawful Development has been approved for any such developments. As such, based on the evidence before me I am not persuaded that there is a reasonable likelihood that the appellant would opt to construct a fence, outbuilding and rear extension if planning permission for the appeal development was to be refused, or that it would have a similar or greater impact on light or outlook. I therefore afford this matter only limited weight in coming to my decision, furthermore, I have determined this appeal on its own individual planning merits.
12. I conclude that the proposed development would adversely affect the amenity of the adjoining premises contrary to Policy DC1 of the Staffordshire Moorlands Local Plan (2020) and the SPD which, amongst other things, seek to protect residential amenity including in terms of daylight, sunlight and outlook.

Conclusion

13. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR