



Appeal Decision

Site visit made on 23 November 2021

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 01 December 2021

Appeal Ref: APP/B3410/D/21/3281086

35 Lightwood Road, Yoxall DE13 8QD

- 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 Paul Heron against the decision of East Staffordshire Borough Council.
 - The application Ref P/2021/00475, dated 6 April 2021, was refused by notice dated 12 August 2021.
 - The development proposed is side and part rear extension to form ground floor kitchen/ dining area/ living space and first floor extension to form bedroom with en-suite.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted amended plans to the Council prior to the determination of the planning application. Both the Council and the appellant have confirmed that the refusal was based on the originally submitted plans, and not any amended plans. The appellant states that they were advised by the Council to appeal against the refusal with the amended plans. Whilst the Council has had sight of the amended plans, it appears that the amended plans have not been subject to public consultation.
3. The amendments would include removing the single storey side extension element and bringing forward the two storey element towards the front elevation of the dwelling. The two storey rear extension has also been set back at first floor level, leaving a part single storey extension to the rear. These would represent substantial changes to the proposed development.
4. In the interests of fairness, I will therefore determine this appeal on the basis of the plans originally submitted to the Council and upon which it reached its decision and which I can be satisfied were subject to the necessary consultation. To do otherwise could prejudice the interests of other interested parties who would not be aware of the amended plans and may have had comments to make had they have been consulted.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of occupiers of neighbouring residential properties at 33 and 37 Lightwood Road with particular regard to light, outlook and privacy.

Reasons

Character and appearance

6. Located within a residential area characterised by open frontages and an inconsistent building line, the appeal property is a two storey semi-detached dwelling with an attached single storey garage. The house types in the immediate vicinity are predominately semi-detached dwellings with garages or bungalows, with some of these properties having been extended and altered. 35 Lightwood Road forms part of a row of three pairs of semi-detached dwellings. No 35 and its attached neighbour at No 33 are situated forward of the adjacent two pairs of semi-detached properties at Nos 37 – 43.
7. The proposed development would include a flat roofed single storey side extension that would extend from the front elevation back for just over half the depth of the existing dwelling. Beyond this point, the extension would be two storey in height continuing along the depth of the dwelling before projecting approximately 4.7 metres beyond the existing first floor rear elevation.
8. As No 35 sits noticeably forward of the adjacent pair of semi-detached dwellings at Nos 37 – 39, its front and side elevations are particularly visible from the street. Due to its sizeable scale and mass, the extension would not appear subservient to the host dwelling. Furthermore, given the exposed nature of the side elevation and its prominence when viewed from Lightwood Road, the development would represent an incongruous feature that would harm the character and appearance of the area.
9. Additionally, the proposed mono-pitched roof design to the front elevation of the proposed development, would appear contrived and at odds with the existing roof design of the appeal property and with neighbouring properties.
10. I conclude that the development would harm the character and appearance of the area. It would therefore conflict with Policies DP1 and SP24 of the East Staffordshire Local Plan (adopted 2015) (LP), Policy D2 of the Yoxall Neighbourhood Development Plan (made 2015), and the East Staffordshire Design Guide Supplementary Planning Document 2008 (SPD). Amongst other things, these policies and the SPD seek to ensure that developments deliver high quality design, that they contribute positively to the area, and that regard is given to the massing of development. The Council has referred to LP Policy DP3, which does not appear to be directly relevant in this instance. I have not therefore concluded against it here.

Living conditions

11. The proposed development, and in particular the two storey element of it, would be of a substantial scale and mass. It would also directly adjoin the shared boundary with No 37. No 37 has an existing two storey side extension which also directly adjoins the shared boundary with the appeal property. Although No 37 is set further back from the street than its neighbour at No 35, there are a number of habitable room windows on the frontage of No 37. These windows include a first floor bedroom window within the two storey side extension to No 37.
12. It was clear from my site visit that due to the respective building lines of Nos 35 and 37, the two storey element of the proposed development would be forward of the existing two storey side extension at No 37. This would

introduce a side wall at first floor level close to the existing first floor window at No 37. This would detrimentally affect the outlook from this nearest first floor bedroom window at No 37.

13. Furthermore, given the proximity of the two storey element of the proposed development to the first floor bedroom window, the proposed development would result in the amount of light reaching this room being noticeably reduced.
14. With regard to the effect of the proposed development on No 33, the first floor window on the southern elevation of the proposed two storey extension would overlook No 33's private amenity space. Given the location and height of the proposed window, this would result in an unacceptable loss of privacy to No 33.
15. Whilst I have found harm in relation to privacy, given the distance that the proposed two storey extension would be from both the boundary with No 33 and the existing rear elevation windows of No 33, I consider that the proposed development would not have an undue impact upon outlook from the rear facing windows of No 33.
16. I conclude that the proposed development would cause an unacceptable level of harm to the living conditions of the occupiers of 33 and 37 Lightwood Road with particular regard to light, outlook and privacy. It would therefore conflict with LP Policies SP1 and DP3 and the SPD. These policies and the SPD, amongst other things, seek to ensure that developments are designed so to not have an adverse effect on the amenity of the occupiers of nearby residential properties including not having an unacceptably overbearing impact or resulting in overlooking or loss of light.

Other Matters

17. The appellant has referenced other side extensions that have been built in the locality. During my site visit, I saw other examples of two storey side extensions. However, these extensions related more effectively to their respective houses in their general design, including their roofscapes, than the appeal before me. Their presence would not justify allowing this proposal.
18. I have also had due regard to the personal circumstances of the appellant regarding their wish to remain in the village, their need for more space for their growing family, and that purchasing a larger dwelling in Yoxall is currently unaffordable. Whilst I have given the appellant's personal circumstances careful consideration, in general planning is concerned with land use in the public interest. I consider it highly probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this would not be sufficient to outweigh the harm that I have identified above.

Conclusion

19. The proposal would conflict with the development plan and there are no material considerations which would outweigh this finding. For the reasons given above the appeal is dismissed.

David Jones

INSPECTOR