



Appeal Decision

Site visit made on 6 January 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2022

Appeal Ref: APP/C1760/D/21/3281687

5 Tadfield Road, Romsey SO51 5AL

- 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 Mrs E Watson against the decision of Test Valley Borough Council.
 - The application Ref 21/02127/PDHS, dated 15 July 2021, was refused by notice dated 13 August 2021.
 - The development proposed is single storey rear extension to existing semi-detached dwelling for habitable accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where a development is permitted by Class A, which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), the local planning authority must notify each adjoining owner or occupier about the proposal. Paragraph A.4(7) provides that, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
4. Paragraph A.4(9) requires the local planning authority to take into account any representations received, and to assess the impact of the proposed development on the amenity of all adjoining premises, not just adjoining premises which are the subject of representations. My determination of this appeal has been made on the same basis.

Main Issue

5. The main issue is the impact of the development on the amenity of the occupants of 7 Tadfield Road with regard to light and outlook.

Reasons

6. 5 and 7 Tadfield Road are a pair of semi-detached houses under a common hipped roof. The main front and rear walls are on the same alignment, and the floor, window and eaves level are consistent across both properties. Both houses have a single storey lean-to projection on the outer side of their rear elevations, and each has a patio window in the recessed wall between them. These windows look out onto the level rear gardens, which are divided by a timber boundary fence of about 1.7 metres in height. In the case of No 7, the patio window is the only source of daylight to, and outlook from, a lounge/dining room, and gives access to a small patio area directly outside it.
7. The proposed extension to No 5 would project 4.15 metres from the rear elevation, to a height of 3 metres. It would be almost directly on the boundary and, consequently, very close to the patio window at No 7. At such close quarters, the unrelieved brick wall would be an overbearing feature for occupants of the lounge/dining room served by the window. The existing fence between the properties is considerably lower than the head of the patio door, allowing a sense of openness in this direction. The wall of the extension would, however, be higher than the window, so would have a significant enclosing effect. Outlook from this room is already restricted by the single storey lean-to on the other side of the window, and is curtailed by the garage at the end of the garden. The bulk and proximity of the extension would be oppressive, and would further reduce outlook from the room, resulting in substantial harm to the amenity of the occupants.
8. The extension would also be a dominant feature for adjacent occupants using the patio area outside the room. However, its enclosing impact would be reduced, as once occupants advance outside the room, an open outlook to the east, beyond the lean-to, becomes apparent. Furthermore, the patio is not the only outdoor amenity space available for occupants. The garden, as a whole, would have sufficient space with an open outlook to provide occupants with an acceptable level of outdoor amenity.
9. The application was accompanied by a Neighbouring Daylight and Sunlight Study (the Light Study), which assessed the proposal against the guidelines set out by the Building Research Establishment (the BRE)¹. Using various numerical tests, the Study concludes that the proposal would have a low impact on daylight and sunlight reaching the window and garden. The Council refers to a shadow diagram that demonstrates that there would be a loss of sunlight to the patio and window in the afternoon. However, I have not been provided with a copy, so there is no evidence before me to cast doubt on the findings of the Light Study. Consequently, whilst the BRE guidance states that it should not be seen as an instrument of planning policy, the Light Study does provide an objective analysis, and therefore carries some weight in my decision.
10. From my own observations, I saw that, although the extension would project well above the fence line, it would not result in the loss of a significant amount of skylight reaching the window. The lean-to extension on No 5, and the high conifer hedge and other foliage beyond, already block diffuse light from this direction, and only a comparatively narrow strip of sky would be lost. Sunlight to the window would only be lost in the afternoon, and when the sun is low in

¹ Site layout planning for daylight and sunlight: a guide to good practice (BR 209) - P Littlefair (2011)

the sky. The Light Study demonstrates that there would only be a loss of 13% of summer sunlight hours to the centre of the window, and 11% of winter sunlight hours. The proposal would not, therefore, result in a harmful loss of light or sunlight to the lounge/dining room.

11. The extension would result in the loss of some sunlight to the patio area during the second half of the day. However, the Light Study shows that it would receive at least two hours of sunlight on 21 March. During the summer months, when the sun is higher in the sky, most of the patio would receive sunlight for much of the day. Even at times when the extension would cast shade on the patio, other parts of the garden would still receive sunlight. The proposal would not, therefore, result in a significant loss of light or sunlight to the garden as a whole.
12. My findings relating to light and sunlight do not alter my conclusion that the height of the extension, its extent, and proximity to the window, would result in it having a dominant and enclosing presence when viewed from within the lounge/dining room of No 7. Consequently, it would be harmful to the residential amenity of the occupants.
13. In coming to this conclusion, I have considered the appellant's assertion that other similar built relationships exist between neighbouring dwellings in the vicinity. However, I have not been provided with full details of the planning circumstances of the sites mentioned, or the internal layouts of the properties involved. I cannot therefore draw any meaningful comparisons that would alter my conclusions on the appeal proposal. I am also mindful of the appellant's contention that there is a fallback position of constructing a three-metre extension as permitted development. Whilst this may be the case, such an extension would have a less harmful impact on the residential amenity of the occupants of No 7, so does not lead me to conclude that the impact of the current proposal would be acceptable.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR