



Appeal Decision

Site visit made on 24 January 2022

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022.

Appeal Ref: APP/W0530/W/21/3285928 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 the decision of South Cambridgeshire District Council.
 - The application Ref 21/03748/HFUL is dated 16 August 2021.
 - The development proposed is demolition of single storey rear extension and addition of 2 storey rear and side extension.
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Decision

1. The appeal is dismissed and permission is refused for the two storey rear and side extension.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's email which confirms that, had it been able to determine the application, it would have been refused on grounds of an adverse impact on character and appearance.

Main Issues

3. The main issues are whether the development would have an adverse effect on:
 - the character and appearance of the host dwelling and its surroundings on Hillfield Road and
 - the living conditions of present and future occupants of No 47 Hillfield Road in terms of proximity, outlook and light levels.

Reasons

Character and appearance

4. The appeal site sits on the north side of Hillfield Road which is a residential street developed with two storey, semi-detached and terraced houses built in brick and render under tiled roofs. The appeal property is semi-detached with No 47 which has been extended to the side. No 48 itself has an existing rear extension and garage set well back in the plot. The extension would be removed as part of the proposal but the garage would remain as an outbuilding.
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5. I have been referred to a number of other properties in the vicinity with extensions which the appellant considers justifies his proposals. For the most part this involves side extensions and in some cases e.g. at 45 Hillfield Road, No 45A Harbour Drive and No 19A The Valley also involves rearward extensions. However, none of these appeared to involve the scale of rear extension envisaged at No 48 and all those with side and rear extensions involved end properties with no adjacent dwellings. The appellant has also referred to the neighbouring property at No 49 arguing that the proposed side and rear extension recently permitted would be larger than that proposed at No 48. However, in one important respect this proposal is fundamentally different in that the rear extension at No 49 is single storey only. I am not persuaded that any of these extensions are sufficiently similar to what is proposed at No 48 to be relevant and therefore I have considered the appeal proposal on its own merits.
6. The proposal includes two main elements – a two storey side extension and a part two storey part single storey rear extension. With regard to the side extension, the design is stepped back from the frontage and stepped down from the ridge level and therefore from the street would appear subordinate to the original house. Whilst the side extension would be close to the boundary and would replicate the already permitted side extension at No 49, the presence of the significantly staggered building line would reduce the resulting terracing effect. The design of side extension, had that been the only element, would have been acceptable.
7. However, the same would not be true of the design of the two storey rear extension. The width of the proposed extension would be over three quarters the width of the house, as proposed to be extended, and in height would extend almost to the main roof ridge. I note there has been a reduction from the full width two storey rear extension previously proposed. However, the width and height of the extension and its resulting scale and mass would still be disproportionate to the original house and insufficiently subservient to it. It would therefore be detrimental to its character and appearance viewed from neighbouring properties and out of keeping with the general pattern of development in the estate. Moreover, given the significant setback of No 49 the mass, height and depth of the combined side and rear extension would appear excessive and dominating in views on the approach along Hillside Road. I accept that the mass of the rear extension would be largely obscured from the street in the event that the side extension permitted to No 49 was implemented but at the time of the site visit the side separation between the properties remained open.
8. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and at paragraph 134 that development that is not well designed should be refused. Policy HQ1 of the *South Cambridgeshire Local Plan* (SCLP), on design reflects the Framework in requiring high quality design that makes a positive contribution to its local context. In addition, the policy requires development to be designed to be compatible with its location in terms of scale, massing, form, design and materials amongst other things. For the reasons above the proposed rear extension to the property, would be disproportionate to the scale and form of the original building and detrimental to its character and appearance as a result of poor design. It would therefore be in conflict with Policy HQ1 and the Framework.

Living conditions

9. The proposed extensions sited in close proximity to semi-detached neighbouring

houses have the potential to adversely affect living conditions. I note that the current proposal for the rear extension (which is a resubmission of a previous scheme) has been revised to reduce the potential impact and the Council indicates it is satisfied in this regard. However, as this appeal is into a failure of the Council to determine the scheme and the neighbour at No 47 has objected, I will consider the impacts.

10. With regard to the relationship to the semi-detached neighbouring property at No 47 the design of the two storey part of the rear extension to No 48 would step away from the common boundary sufficient to meet the 45° rule. In other words the rear corner of the proposed first floor rear extension would not cross a line drawn at 45° from the centre of the window to the nearest bedroom in the rear, first floor elevation of No 47. Whilst this would mean the impact on light levels would be acceptable there would still be impact on outlook from the bedroom window for the occupants given the proximity of the 3 metre projection proposed.
11. It has been put to me that the proposal would result in loss of light to the kitchen rooflight of No 47 and to the patio area. The rear first floor extension would be on the east side of the rooflight and patio and would be likely to result in some reduction in light levels in the morning particularly in the winter when the sun would be lower in the sky.
12. In respect of No 49 the combination of the staggered building line between Nos 48 and 49 and the positioning and design of the recently permitted two storey side extension to No 49 were it to be built would mean that the appeal proposal would be unlikely to adversely affect the living conditions for occupants of No 49.
13. The proposal would have some detrimental effects on the living conditions of present and future occupiers of No 47 Hillfield Road in respect of light and outlook contrary to the Framework at paragraph 130 which requires development to achieve a high standard of amenity for existing and future users. It would also not be in accordance with SCLP Policy HQ1 which seeks to protect the health and amenity of occupiers from development that is overlooking, overbearing or results in a loss of light amongst other things. In combination with the harm to character and appearance therefore these concerns warrant dismissing the appeal.

Other Matters

14. I understand the appellant's wish to achieve additional accommodation through the extension to achieve a spacious, modern, energy-efficient design and improve the usability of the house and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, sustainable and effective use of the dwelling would not, of itself, outweigh the harm to the character and appearance of the original dwelling and its surroundings as a result of the proposal nor would it justify a detrimental impact of the rear extension on the occupants of No 47.

Conclusion

15. I have considered the matters before me and for the reasons given above, I conclude that the appeal should be dismissed and permission refused.

P. D. Biggers INSPECTOR