



Appeal Decision

Site visit made on 25 February 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND March 2022

Appeal Ref: APP/R2520/D/22/3291284

34 Waverley Avenue, LINCOLN, LN6 8TN

- 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 Robert Dunderdale against the decision of North Kesteven District Council.
 - The application Ref 21/1429/HOUS, dated 1 September 2021, was refused by notice dated 5 January 2022.
 - The development proposed is the erection of a single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey front extension at 34 Waverley Avenue, LINCOLN, LN6 8TN in accordance with the terms of the application, Ref: 21/1429/HOUS, dated 1 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 807D-04B, 807D-05A, 807D-06A, Location Plan
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of the neighbouring No 36 Waverley Avenue by way of light and outlook.

Reasons

3. No 34 is a detached bungalow situated on the north-eastern side of Waverley Avenue. It is set well back from the road on its plot, and is of a similar design to the majority of properties along this part of the road. Nos 36–46 and No 28 Waverley Avenue, share a clear and uniform building line, whereas Nos 30–34 are set back a little behind that building line. The character of the area around this part of Waverley Avenue is generally open with narrow gable-fronted bungalows on both sides of the road, and gaps of around 4.5 metres between the dwellings.

4. Policy LP26 of the Central Lincolnshire Local Plan (LP) indicates that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed as a result of proposed developments. These amenities include such matters as overshadowing and loss of light.
5. The Council contends that, by virtue of the siting, scale and massing of the proposed extension, the development would result in an unacceptable impact on the residential amenity of No 36 Waverley Avenue. The extension would be sited immediately to the south-east of a bedroom in No 36, and would adversely affect the light and outlook at that window .
6. The appellant contends that local properties are of the same design, which include bedroom windows being only 1m - 1.2m from the side boundaries. Moreover, the relationship between Nos 34 and 32 is the same as would be the relationship between Nos 34 and 36 if the extension were constructed, and this would be a comparable situation with other existing bungalows along the road.
7. In this case, I note that the habitable room window in the side elevation of the neighbouring No 36 is positioned only very slightly behind the existing front elevation of the appeal property. It would appear that the proposed extension would project some 2.7 metres beyond the existing front elevation and would, on that basis, bring the front of No 34 to a point approximately level with the building line formed by Nos 36-46, and continued at No 28.
8. The Council contends that the plans show the whole extension sitting within the 45 degree angle taken from the centre of the neighbouring window, therefore demonstrating an impact on the light to No 36. There would not appear to be any reference to the 45 degree rule in the documentation before me, but it is normally applied in a way that new building should not cross the 45 degree line. The submitted plans show the 45 degree line from the affected window in No 36, and it is clear that the extension would barely cross the line, and would therefore have minimal harmful impact on the outlook from or light received by that window. Moreover, the extension would be of only limited depth, with a roof sloping away from the boundary, and it would be to the south of No 36, such that any impact would, in any case, only be when the sun is at its highest.
9. In conclusion, I find that the proposed extension would not be significantly harmful to the living conditions of the occupiers of No 36 by way of light or outlook. It would not unduly harm the residential amenities of neighbouring properties and it would not, therefore, conflict with Policy LP26 of the LP.

Conditions

10. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR