



Appeal Decision

Site visit made on 22 February 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/H0520/D/21/3289178

27 Windsor Road, Yaxley PE7 3JA

- 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 Mrs Siu-Ling Thompson against the decision of Huntingdonshire District Council.
 - The application Ref 21/01553/HHFUL, dated 5 July 2021, was refused by notice dated 29 October 2021.
 - The development proposed is to dismantle existing rood and construct new first floor over existing ground floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the proposed development upon the living conditions of the occupiers of the neighbouring property at 29 Windsor Road, with particular reference to light and outlook.

Reasons

3. The appeal site consists of an existing bungalow located within a predominantly residential area. The neighbouring dwellings are predominantly houses constructed to two storeys. The appellant's dwelling has a different footprint to the surrounding dwellings in that it is narrower and has a greater depth.
4. By reason of the footprint of the appellant's dwelling, the proposed extension would project a significant distance into the rear garden of the neighbouring property at No. 29. As this would be combined with a significant increase in height of the dwelling, the proposed development would result in a large enclosing effect upon the rear garden of the neighbouring dwelling.
5. Furthermore, given that the development would be close to the shared boundary with No. 29, the proposal would result in a significant overbearing effect upon the rear garden with a resultant sizeable reduction in the overall level of outlook. As the rear garden represents the only space where occupiers of the neighbouring dwelling would be able to undertake private recreation, the loss of outlook would be particularly concerning.
6. The neighbouring property at No. 29 is adjacent to another, previously extended dwelling. However, the cumulative effect of this extension, in conjunction with the proposed development would lead to an erosion of the outlook for the occupiers of No. 29.

7. In addition, the neighbouring property features windows that face the appeal site. Therefore, the proposed development would result in the significant enclosing effect upon these windows owing to the general proportions of the proposed development and its proximity to the shared boundary between the two properties.
8. This adverse effect would be exacerbated by reason of the proposed development having a long depth. This, when combined with the general orientation of the appeal site, would result in a loss of light and the creation of an overshadowing effect to the occupiers of the neighbouring dwelling. This would therefore lead to a further erosion in the living conditions of the occupiers of the neighbouring property.
9. I understand that the windows on the side elevation of No. 29 serve rooms that are not routinely inhabited or are secondary windows. However, the enclosing effect of the proposed development is such that there would be a significant loss of light. In addition, the projection of the proposed development is such that the development would lead to a loss of light to the rear elevation windows of No. 29.
10. The planning application was accompanied by a light assessment. However, whilst I have noted its findings, the Development Plan policies to which I have been directed do not require developments to be assessed in accordance with the methodology used in the study. Therefore, this study does not overcome my previous concerns.
11. A further adverse effect would arise from the diminished level of outlook that would be available for occupiers of the neighbouring dwelling as they circulate the building. In consequence, whilst I have had regard to the use of the relevant rooms within the neighbouring dwelling, the effects of the appeal proposal are such that there would be a notable erosion of the living conditions of the occupiers of the neighbouring dwelling.
12. The appellant's dwelling is a bungalow. Whilst the appeal proposal would create a house, the surrounding area contains dwellings constructed to several different designs, including other bungalows. Therefore, the existing dwelling does not cause harm to the character of the surrounding area. In result, I am not persuaded that the proposed development would deliver sufficient improvements to the character of the surrounding area to overcome my previous concerns.
13. Permission has been granted to erect an extension at No. 29. I have no reason to believe that this extension will not be constructed. Nonetheless, the design of this extension features a roof lantern. Therefore, the proposed development, by reason of its proportions and siting, would result in a diminished level of light and outlook to this extension. Furthermore, the presence of the permitted extension would not overcome the adverse effects to the existing windows within No. 29. In result, this extension does not address the previous points.
14. The appellant has suggested that an additional storey could be constructed on the dwelling under permitted development rights. However, such a development would require the prior approval of the Council. It has not been demonstrated that such approval would be forthcoming. Therefore, this does not overcome my previous concerns.

15. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, would conflict with the requirements of Policy LP14 of the Huntingdonshire Local Plan (2019). Amongst other matters, this seeks to ensure that a high standard of amenity is maintained for users and occupiers of neighbouring land and buildings.

Conclusion

16. The proposed development would have an adverse effect on the living conditions of the occupiers of the neighbouring property at No. 29. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR