



Appeal Decision

Site visit made on 15 March 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/H0928/D/21/3279753

42 Wordsworth Street, Penrith, Cumbria, CA11 7QY

- 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 Bruce Johnson against the decision of Eden District Council.
 - The application Ref 21/0086, dated 20 January 2021, was refused by notice dated 4 June 2021.
 - The development proposed is a replacement single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 41 Wordsworth Street with particular regard to outlook and light.

Reasons

3. The appeal property is a mid-terrace property. It, like other houses in the row, has a narrow single storey outrigger at the rear. It is proposed to replace this with a flat roof single storey extension that would extend much of the width of the house.
4. On the ground floor the adjacent property, No 41, has a window on the main rear elevation and 2 windows and a door on the side of the outrigger facing the boundary with the host property. The windows on the outrigger appeared to serve non-habitable rooms. At present, the common boundary closest to the houses has a 1.8m high fence between them. No 41 has an area of decking between this and the outrigger, which I observed at my site visit to be the only seating area in the garden.
5. The proposed extension would be set in slightly from the common boundary. Although the flat roofed design of the extension means that its height is limited, it would still be significantly higher than the existing boundary fence. It would be clearly visible from the decking and window on the rear elevation of the house.
6. The tight relationship between the houses and their projecting outriggers, means that light to, and the outlook from, the rear window on No 41 is already restricted. The appellant has produced diagrams which he states show that the proposed extension would not cause significantly greater levels of overshadowing than the existing outrigger and fence. Be that as it may, the

height and depth of the extension is such that even if it would not significantly reduce direct sunlight to the rear room, it would still adversely impact the amount of light it receives.

7. Moreover, in combination with the outrigger on No 41, the extension would create a 'tunnelling' effect for both this window and the area of decking. As such, the proposal would exacerbate the already limited outlook from the rear window and create an unneighbourly sense of enclosure to the rear of the house and the area of decking.
8. Consequently, I consider that the proposed extension would unacceptably harm the living conditions of the occupiers of No 41 Wordsworth Street with particular regard to outlook and light. Therefore, it would be contrary to Policy DEV5 of the Eden Local Plan (adopted October 2018) which requires developments to protect the amenity of existing residents.
9. I note that the extension would provide the host property with a larger kitchen, which the appellant considers would be more appropriate for a dwelling of this size. Nevertheless, I consider that this benefit to the appellant would not outweigh the harm that the proposal would cause.

Other Matters

10. The appeal property is located within Penrith New Streets Conservation Area. The Council have not indicated that the proposal would have any adverse impact on the character and appearance of the host property or the surrounding area. I have no reason to disagree. Consequently, I am satisfied that the proposal would preserve the character and appearance of the conservation area.

Conclusion

11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR