

Appeal Decision

Site visit made on 15 March 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2022

Appeal Ref: APP/J0540/D/22/3291428

44 Redbridge, Werrington, Peterborough PE4 5DP

- 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 & Mrs Chambers against the decision of Peterborough City Council.
 - The application Ref 21/01609/HHFUL, dated 21 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is a garage conversion and first floor extension.
-

Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect on the living conditions of the residents of 5 Tarrant with regard to loss of outlook and sunlight.

Reasons

3. The proposal would result in the garage roof being raised and a first floor being added to the existing ground floor section that links the garage to the house. Permission has been granted for the garage roof to be raised and although the details differ, the rear elevation that faces 5 Tarrant would be as previously approved. The approved plans did not include a first floor link with access to the first floor garage room being shown from the converted garage area below. The difference between the approved scheme and the appeal scheme therefore relates to the height of the link building.
 4. The garage and link building align with the side elevation of the main part of the house and are set only a very limited distance from the boundary. This boundary forms the rear fence of 5 Tarrant which is a two storey dwelling. At present a shed and green house are located on this boundary. The property has only a relatively short garden with its main rear outlook towards the garage and link building of the appeal property.
 5. Given the length and size of the garden associated with 5 Tarrant, the approved increase in height of the garage would increase its dominance when within the neighbouring garden and rear facing rooms. The impact of this would be mitigated to some extent because there would remain an aspect over the
-

footpath towards 43 Redbridge which is set further south; and over the link building between the garage and the two storey element of the house. Despite this, the increased height of the garage alone would result in some reduction in outlook from 5 Tarrant. The Council have considered that this level of harm would be acceptable with regard to the living conditions of the neighbouring residents. Given the relatively narrow form of the garage and the half hip of the proposed roof, together with the arrangement of buildings either side, I can understand this conclusion.

6. The filling of the gap between the garage and the main house at first floor height, even though the structure would be below the height of the garage and significantly below the height of the main house, would further reduce the outlook from the neighbouring property. This level of enclosure would result in unacceptable harm with regard to the living conditions of the neighbouring residents due to the combination of these structures being overbearing and reducing outlook.
7. The Council have also raised a concern with regard to loss of sunlight. The proposal would be to the south of the neighbouring property. The existing dwelling is higher than the proposed link building and currently reduces direct sunlight to parts of the neighbouring gardens between mid-morning and midday. After midday, shading will result although the sun will be at its highest at this time. The raised link building only represents a proportion of the overall structure but it would result in an increase in shading in the neighbouring garden at specific times, particularly when the sun is lower in the winter months. In these circumstances, shade diagrams would be helpful to demonstrate the actual impact throughout the year. However, I am not persuaded that the proposal would not be harmful in this respect. In any event, given my findings with regard to outlook, this is not a matter on which my decision would turn.
8. As the proposal would unacceptably harm the living conditions of the residents of 5 Tarrant with regard to loss of outlook, it would conflict with the amenity requirements of Policy LP17(e) of the Peterborough Local Plan (2019). This policy is consistent with the expectations of the *National Planning Policy Framework* and can be afforded full weight.
9. I appreciate that there would be benefits to the appellant from the improved and increased living space and I note the lack of correspondence from neighbours. There would also be other benefits from the building works themselves. However, these matters are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR