

Appeal Decision

Site visit made on 20 June 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH July 2022

Appeal Ref: APP/C1625/D/22/3299427

42 Lypiatt View, Bussage, Stroud GL6 8DA

- 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 Michael Christakis against the decision of Stroud District Council.
 - The application Ref S.22/0087/HHOLD, dated 16 December 2021, was refused by notice dated 11 March 2022.
 - The development proposed is to install pent shed (with bearers so that doors clear drain) 11 feet long by 7 feet wide.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed shed had been erected at the time of my site visit and was substantially complete. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 44 Lypiatt View, with specific reference to outlook and light.

Reasons

4. The shed is located on higher ground than 44 Lypiatt View to the south west. This neighbouring dwelling is separated from the shared side boundary by a narrow pathway which provides access to a glazed kitchen door, with a window serving the same room adjacent. The shed projects beyond the rear elevation of the host dwelling, as well as partially obstructing the kitchen window of the neighbouring property. By virtue of the orientation some degree of overshadowing would occur in early mornings, especially during the times of year when the sun is lower in the sky. Furthermore, by virtue of the visual obstruction caused by the shed, it curtails the outlook from the kitchen window and the associated view of the sky which detrimentally impacts upon not only the outlook therefrom, but also the daylight received by it.
5. I note the other examples of outbuildings which have been erected close to or on the boundary with other residential properties within the locality, however I have not been provided any details as to their planning history and I have not

inspected them close-up due to them being on private land. Notwithstanding this, ultimately each case must be assessed on its own merits.

6. I therefore consider that the shed, by virtue of its height, length and elevated position within close proximity to no 44, does result in a harmful impact upon the living conditions of that neighbouring property in terms of both outlook and light, which is contrary to Policy ES3 of the adopted Stroud District Local Plan 2015 which, amongst other things, states that planning permission will not be granted to any development which would be likely to or result in an unacceptable level of loss of daylight and an overbearing effect.

Conclusion

7. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR