



Appeal Decision

Site visit made on 7 June 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/K3415/D/22/3294007

3 Ploughmans Walk, Lichfield WS13 7RR

- 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 Carl Hope against the decision of Lichfield District Council.
 - The application Ref 21/01806/FUH, dated 14 September 2021, was refused by notice dated 13 December 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used on the planning application form included a large amount of text explaining – rather than describing – the development. The wording I have used in the banner heading above is therefore adapted from that used on the appeal form, as it provided a more concise description of the development, although I have omitted the words “retention of” as they do not describe the development. Nevertheless, the extension for which permission is sought has already been built and I was able to see it on my site visit; I have made my decision in this light.

Main Issue

3. The main issues are the effects of the proposed development on:
 - The character and appearance of the area;
 - Living conditions for occupiers of the neighbouring property at No 2 Ploughmans Walk, with particular regard to loss of light and outlook; and
 - Living conditions for occupiers of the appeal property, with particular regard to whether adequate private amenity space has been retained.

Reasons

Character and appearance

4. The appeal property is a two-storey end-terrace property on the south-western side of Ploughmans Walk, a cul-de-sac in a residential area close to the north-eastern edge of Lichfield. A single-storey rear extension has been erected across almost the full width of the house. It projects approximately 5m beyond

the original rear elevation, and measures around 2.85m to its flat roof, although a central lantern increases its maximum height to approximately 3.3m. The external walls of the extension are finished in a grey/blue render, and there is a set of aluminium bifold doors on the rear elevation.

5. The appellant suggests that, as the extension sits well below the eaves of the main dwelling, it is subservient in scale and massing. Based on what I saw on my site visit, I disagree; it is a bulky and boxy addition to the appeal property, and both its scale and form are entirely at odds with the modest proportions of the host building and the other housing in the surrounding area.
6. Its location at the rear of No 3 means that the extension is not seen in public views when entering Ploughmans Walk from Shepherd Close. However, its considerable bulk can be seen looming over the fence alongside the communal parking court to the west of the appeal property, and from parts of Ploughmans Walk between the parking court and the turning head at the end of the road. Its size and siting also mean that, while the extension may not be a prominent feature in public views, it is visible from the rear gardens and rooms of neighbouring properties on Ploughmans Walk, Shepherd Close and Meadowbrook Road, from where it dominates and overwhelms the rear elevation of the appeal property. The rendered finish of the extension is also not in keeping with the dominant brick of the host property and the surrounding housing; this further emphasises its cumbersome and intrusive appearance.
7. The appellant drew my attention to examples of other properties in the area where rear extensions have been added. These are mostly conservatories, including those at Nos 1, 2, 20 and 22 Ploughmans Walk and, while these also do not reflect the dominant use of brick and tile in the area they are all much smaller, and much more discreet, than the extension in this case. Similarly, the very limited number of small extensions nearby which have been rendered or clad does not indicate that these are suitable finishes for a much larger extension. While render may be the dominant finish for housing on Purcell Avenue that street has a different appearance from, and does not define the character of, Ploughmans Walk. None of these other developments weigh in favour of the extension in this case.
8. The appellant suggested it would be possible to impose a condition requiring the removal of the coloured render and its replacement with a brick finish. However, although that would deal with the impact of the present render finish, it would not mitigate the harm caused by the extension's unsympathetic size and form.
9. I conclude that, because of the extension's scale, massing and detailed design, it is harmful to the character and appearance of the area. It therefore conflicts with Core Policy 3 and Policy BE1 of the 2015 Lichfield Local Plan Strategy ("the LPS") which, among other things, seek to ensure that development including domestic extensions is well-designed and respects the character of the surrounding area. For the same reason, the extension conflicts with the provisions of Chapter 12 of the National Planning Policy Framework ("the Framework"), which seek to achieve well-designed places, and to ensure that development is visually attractive and adds to the overall quality of the area.

Living conditions – neighbouring property

10. The appeal property adjoins No 2 Ploughmans Walk, a similar two storey mid-terraced house. No 2 has a single-storey south-facing conservatory at the rear abutting the shared boundary with No 3. The Council's 2015 (updated 2019) *Sustainable Design* Supplementary Planning Document ("the SPD") provides guidance which seeks to ensure that existing and future residents have a satisfactory standard of amenity. Among other things, it advises that new development and extensions should not be of a size which would be overbearing or lead to an unacceptable loss of light for neighbouring residential property. It sets out a two-stage "45 degree guideline" assessment; the Council considers that the extension at No 3 fails both stages of the assessment in respect No 2.
11. The SPD advises that the 45 degree guidelines "should be applied flexibly, and any existing intervening structures should be taken into consideration (e.g. existing extensions, boundary treatments)". The appellant contends that in this case, that should mean carrying out the assessment from the end window of the conservatory, since the occupiers of No 2 have (it is argued) "opted to place an extension in front of [the] kitchen window to provide an area of additional living space" and "[reduced] the amount of light received by that room by their own volition".
12. The installation of the conservatory at No 2 would have had the effect of reducing the daylight and sunlight entering the kitchen to some degree. However, it is in the nature of conservatories that they usually still allow considerable amounts of light to enter. The reduction in light in the kitchen at No 2 caused by the conservatory would be likely to have been relatively insignificant compared to that subsequently caused by the erection of the extension at No 3.
13. The SPD sets guidelines rather than strict policy, and I entirely agree with the appellant that flexibility in interpreting such advice is often essential. I accept that in this case it may be appropriate and reasonable to carry out the 45 degree assessment with a reference point somewhere within the conservatory at No 2 rather than at the end of the inner kitchen, reflecting the reality that there has already been some loss of light and outlook. However, there is nothing before me which justifies the appellant's suggested method of using the end of the conservatory as the reference point; to me such an approach seems to unreasonably ignore the effect of the large amounts of light which would previously have entered the conservatory's other elevations.
14. In any event, it was apparent to me when visiting the site that the size of the extension and its proximity to the common boundary means that it has the effect of reducing the daylight and sunlight reaching both the conservatory and the inner kitchen at No 2, whatever reasonable method of assessing that might be applied. It has also constrained the outlook from those rooms.
15. I conclude that this loss of light and outlook has harmed living conditions for the occupiers of No 22. The extension therefore conflicts with Policy BE1 of the LPS, which seeks to ensure that new development protects or has a positive impact on amenity. For the same reason, it conflicts with the requirements of Chapter 12 of the Framework, notably the provisions of Paragraph 130 which seek a high standard of amenity.

Living conditions – appeal property

16. The SPD requires that all private amenity space should be a minimum of 10m in length, and that dwellings with three or four bedrooms should have a minimum total private garden area of 65m². By the Council's calculations (which are not disputed by the appellant), with the extension in place the rear garden of the appeal property is between 7m and 9.9m long and has an area of around 53.7m².
17. Again, the SPD advises flexibility in applying the garden length and amenity standard, having regard to site orientation and the surrounding context, including the proximity to existing public open space. I consider that a deficit of around 11.3m² against a requirement of 65m² is somewhat stretching the meaning of a "modest shortfall", as the appellant describes it. However, the garden has a southerly aspect, and I saw that there is conveniently accessible public open space available a very short walk away at Lincoln Close. I also saw that the size and shape of the remaining garden space allows adequate room (given the size of the dwelling) for activities such as gardening, drying, and children's play, albeit only just.
18. Having regard to the context of the appeal site and its surroundings, I find that the extension has not had a harmful effect on living conditions for the occupiers of the appeal property. Notwithstanding the shortfall against the standards for private amenity space described in the SPD, I therefore conclude that the development complies with the requirements of Policy BE1 of the LPS, which seek to ensure that new development protects or has a positive impact on amenity, and with the requirements of Chapter 12 of the Framework, notably the provisions of Paragraph 130 which seek a high standard of amenity for existing and future users.

Other Matter

19. The appellant has referred to the possibility of constructing a 3m deep extension under permitted development rights. Given their obvious desire to extend the property, it appears to me that there is a very real prospect of such a scheme being implemented in the event of my dismissing this appeal.
20. The appellant suggests that the extension in this appeal has no materially greater impact on residential amenity for the occupiers of No 2 Ploughmans Walk than a permitted development scheme would have. Both breach, or would breach, the 45 degree guidelines set out in the SPD, when assessed from the original (inner) kitchen window at the rear of No 2.
21. However, while a permitted development extension could be up to 4m tall, and so potentially around 1.15m taller than the extension which has been constructed, it also would be around 2m shallower. Because of its shorter depth, it would be less visible from within the rooms at the rear of No 2 and it is therefore my view that, in most circumstances, it would have a less harmful effect on outlook and daylight than the existing extension. There would be times when the greater height of a permitted development extension would cause a noticeably greater loss of sunlight reaching the rear of No 2 compared to the present situation, but in general I consider that this would be outweighed by the improved outlook and daylight.

22. It is also notable that an extension built under permitted development rights would not only be smaller (in depth and volume) than the extension which has already been built, but would have to be built in materials matching the existing dwelling.
23. While I am therefore satisfied that such a permitted development extension would represent a legitimate fallback position for the appellant, in my view it would be less harmful to living conditions for neighbours, and would have a significantly less harmful effect on the character and appearance of the area than the existing extension. The fallback position does not therefore carry significant weight in support of the extension which has been built and for which permission is now sought.

Planning Balance and Conclusion

24. The extension as built is not detrimental to living conditions for the occupiers of the appeal property. However, it has caused significant harm both to living conditions for the occupiers of the neighbouring property at No 2 Ploughmans Walk, and to the character and appearance of the area. The development therefore conflicts with the development plan taken as a whole.
25. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector