
Appeal Decision

Site visit made on 4 August 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/J0540/D/22/3298671

9 Grange Road, Peterborough PE3 9DR

- 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 M Shahid against the decision of Peterborough City Council.
 - The application Ref 21/01792/HHFUL, dated 11 November 2021, was refused by notice dated 25 March 2022.
 - The development proposed is the demolition of detached garage and erection of two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and permission is granted for the demolition of detached garage and erection of two storey side extension and single storey rear extension at 9 Grange Road, Peterborough PE3 9DR, in accordance with the terms of the application, Ref 21/01792/HHFUL, dated 11 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
Existing and Proposed Block Plan 001 Rev A
Existing Elevation and Floor Plan 002
Proposed Elevation and Floor Plan 003 Rev A
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 7 Grange Road in relation to outlook and light.

Reasons

3. The proposal is for a two-storey side extension to No 9 Grange Road and a flat roofed single storey rear extension across the full width of the property¹. The latter element, whilst about 6 m deep, would only extend about 3 m beyond the existing rear extension of the adjacent property No 11 and alongside the garage of No 7 on the other side. The flat roof would minimise the visual

¹ The original proposal for a two-storey element to the rear was withdrawn during the course of the application.

- impact of the extension as seen from both these properties and as such this element of the proposal did not form part of the reasons for refusal.
4. The two-storey side extension, set back slightly from the front elevation, would occupy the full width of the driveway to the common boundary with No 7. This would leave a gap of about 3 m, the width of the adjacent driveway, from the side elevation of No 7. With its set back and pitched roof, the proposal is very similar to a number of existing side extensions in the vicinity, in particular extensions to Nos 13, 15, 19, 21 and 20.
 5. In this case the concern is that the ground floor window on the side elevation of No 7, facing directly onto the driveway, would be impacted by the flank wall of the two-storey extension just 3 m away. There is no doubt that both the two and single storey elements of the proposal would block some of the existing view of sky from this window resulting in some loss of daylight and a more enclosed and overbearing outlook. The window is the only one which serves the room concerned.
 6. The relatively modest sized room is used as a kitchen but includes a compact dining area with a table and four chairs positioned against the wall opposite the sink and range of units which lie beneath the window. As such the room arguably falls within the definition of a kitchen/diner and thus a habitable room. However, given its limited size, the room could equally be used solely as a kitchen, usually regarded as a non-habitable room, as there is a substantial rear living room which could be used for dining purposes in addition to a large front lounge and rear conservatory.
 7. The particular use of individual rooms in a dwelling is a private matter but in this instance the choice to use the room as a kitchen/diner must be balanced against the interests of the adjacent occupier who wishes to extend their property in a similar way to others in the vicinity. With the range of other rooms available for habitable room purposes on the ground floor of No 7 it would not be reasonable for the loss of daylight in and outlook from the kitchen/diner to prevail in this case.
 8. For these reasons the proposal would not unduly affect the living conditions of the occupiers of No 7 Grange Road in relation to outlook and light. The proposal would not conflict with Policy LP17 of the Peterborough Local Plan 2019 which precludes development resulting in an unacceptable impact on the amenity of existing occupiers by loss of light or overbearing impact.
 9. The Council suggested three conditions should the appeal be allowed and these meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans and to require matching materials to ensure the satisfactory appearance of the development. The officer report refers to the additional first floor windows facing down the rear garden of No 7 but these only have an oblique view and do not warrant a condition requiring obscure glazing/non-opening to avoid overlooking.
 10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR