

# Appeal Decision

Site visit made on 26 July 2022

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2022**

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**Appeal Ref: APP/L3245/D/22/3299878**

**The Lawns, Criftins, Ellesmere, Shropshire SY12 9LN**

- 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 Stacey Penrose & Daniel Firth against the decision of Shropshire Council.
  - The application Ref 21/05954/FUL, dated 21 December 2021, was refused by notice dated 18 March 2022.
  - The development proposed is the raising of roof to create dormer bungalow with extension to accommodate staircase affording access to first floor accommodation.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect on the living conditions of neighbouring residents with regard to privacy, light and outlook.

## Reasons

3. The proposal would raise the eaves and ridge of this bungalow; include a dormer window; and a side extension that would accommodate the entrance hall and stairs.
  4. The dormer window would provide clear views from the first-floor bedroom towards the side of the dwelling known as Alverley but also, at an angle, into the conservatory and rear garden of that property. Whilst views towards this property exist from the ground floor bedroom window and when using the side door and garden, views from a first-floor window would be perceived as being much more intrusive and would allow clearer views of most of the neighbouring rear garden. The planting of a tree as suggested would not overcome this concern particularly in the short to medium term. I have had regard to the lack of objection from the neighbours but must also consider the amenity of future residents of that dwelling.
  5. The proposed relationship would unacceptably harm the living conditions of the residents of Alverley with regard to privacy. The proposal would therefore be contrary to Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) due to the impact on neighbouring amenity.
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6. The small rear facing window of the proposed first-floor bedroom would provide views towards Braeburn. The council consider that the position of this window within the room and its size, together with the angle of view and intervening distance to the neighbouring house would result in an acceptable relationship. I do not share this view as although the neighbouring property has a garage within the nearest part of the garden, the window would offer clear views at an angle towards the private area of garden to the back of that house which appears not to be overlooked at present. However, as this small window could be required to be obscure glazed, this is not a matter that has weighed against the proposal.
7. The neighbouring property to the south, Spring View, has windows that face the appeal property from only a short distance. The side ground floor window towards the front appears to serve a dual aspect room. The proposed raised eaves would be clearly apparent from this window but its outlook would remain relatively open towards the front of the appeal property and the room would also benefit from the front facing window. The side window to the rear of the property would have a greater experience of the raised eaves and higher ridge from a close distance. This window similarly serves a dual aspect room which has large rear facing patio doors. In these circumstances, although there would be a reduction in outlook, the impact on that room would be acceptable. The reduction in outlook from the first-floor windows would not be harmful given their height and retained outlook over the new roof line. The appeal property would be more imposing when entering and leaving the side door to the neighbouring house and when using the rear patio area. However, given that the raised eaves would be set back from the boundary and given the existing relationships, this would not be unacceptably harmful.
8. Given that the appeal property is to the north of Spring View, although there may be a loss of some direct sunlight during the height of summer in the late evenings, this would not be unacceptable. Privacy levels would not be altered provided the proposed roof lights were positioned in accordance with the cross-section (not the elevation). Overall, with regard to Spring View, although the works would be more imposing, they would not result in unacceptable harm with regard to outlook, light or privacy.
9. I acknowledge the lack of objections to the proposal and the positive support offered. I am mindful also of the personal circumstance of the appellant's family. The design of the proposal is of a high standard and would improve the appearance of the property overall whilst also improving its sustainability credentials in accordance with CS Policy MD2. As the policies referred to by the council generally accord with both the design and amenity requirements of the *National Planning Policy Framework*, I afford them both full weight. Whilst the matters in favour of the proposal offer significant support, they are not sufficient to outweigh my concern with regard to the living conditions of the residents of Alverley. Whilst it has been suggested that the dormer could be omitted, I have only considered the plans as submitted. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**