



Appeal Decision

Site visit made on 13 September 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/G2713/D/22/3301709

56 Marwood Drive, Great Ayton TS9 6PD

- 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 Elaine Perry against the decision of Hambleton District Council.
 - The application Ref 22/00663/FUL, dated 14 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the residents of 58 Marwood Drive, with particular regard to outlook, sunlight and daylight.

Reasons

3. The appeal relates to one half of a pair of semi-detached bungalows that is located in a residential area. The prevailing character of Marwood Drive is of similar semi-detached bungalows, that have single storey outriggers set away from the shared boundaries.
4. The submitted plans show the proposed extension to measure approximately 4.98 metres in length and to have a flat roof design with a glazed roof lantern. This would effectively infill the back garden space in between No 56's original rear outrigger and the shared boundary with No 58.
5. I am satisfied that the orientation of the proposed extension in relation to the sun path is such that it would not result in a significant loss of sunlight or an undue amount of overshadowing occurring to the habitable windows and rear garden area of No 58. Nonetheless, the Council's Domestic Extensions Supplementary Planning Document 2009 (SPD) sets out the basic principles for the design of domestic extensions and alterations to dwellings. The SPD advises that the 45° Code is a useful guide to measure the likely impact of an extension on neighbours and to ensure that an extension does not take away too much daylight or outlook.
6. To comply with the code, no part of a 2 storey extension should cross the line drawn at 45° from the centre of the closest ground floor habitable room window of neighbouring properties. However, the SPD sets out that the 45° guide is more relaxed in relation to single storey extensions, and that the 45°

line should be drawn from the furthest away point of the closest ground floor habitable room window of neighbouring properties.

7. I appreciate that No 56's existing timber conservatory is to be demolished and that the approximate 1 metre high boundary fence is to be retained. However, at such close proximity to the shared boundary and the ground floor rear habitable bedroom window of No 58, the size and scale of the proposal would result in an undue sense of enclosure that would significantly prejudice the level of outlook from this window and the back garden area. It would also reduce the amount of natural daylight to them, thereby having an oppressive and overbearing effect.
8. The submitted plans show both the proposal and an approximate 3 metre long rear extension, which the appellant contends could be constructed under permitted development rights, to breach a 45° line. However, the line is drawn from the centre of No 58's rear bedroom window. It is clear to me, when looking at these plans, that the 3 metre long extension would not breach a horizontal 45° line when drawn from the furthest away point of this neighbouring window. Regardless of its relationship with the patio doors and windows within the side elevation of No 58's existing outrigger, the approximate 3 metre long extension would therefore not have a materially more harmful effect than the proposal. As such, this factor significantly limits the weight that I can afford to it as a fallback position.
9. For the reasons given above I have found that the residents of 58 Marwood Drive would not experience an undue loss of sunlight. However, there would be an unacceptably harmful effect on their living conditions in respect of outlook and daylight. As such, conflict would arise with Policy E2 of the Hambleton Local Plan 2022 (Local Plan). This seeks, amongst other things, to ensure adequate availability of daylight, and that physical relationships arising from the design and separation of buildings are not oppressive or overbearing. For similar reasons it would also not accord with guidance contained within the SPD. However, I have not found the proposal to be contrary to Local Plan Policy S1 as it is not primarily concerned with living conditions.

Other Matters

10. My attention has been drawn to an extension that was granted permission and constructed at No 48. However, I was unable to gain access and see this on my site visit, and on the evidence presented I cannot be certain that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.

Conclusion

11. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR