



Appeal Decision

Site visit made on 15 August 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022.

Appeal Ref: APP/D1265/D/22/3298245

10 Robinswood Drive, Ferndown BH22 9RZ

- 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 Paul Sutcliffe against the decision of Dorset Council.
 - The application Ref P/HOU/2021/04722, dated 11 November 2021, was refused by notice dated 21 February 2022.
 - The development proposed is Raise roof to provide first floor accommodation. Single storey and two storey extensions to front, sides and rear. Remove existing carport/garage. (Resubmission following refusal of 3/21/0040/HOU).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "Removal of the existing carport and garage and to extend the footprint to the west. Alterations to the existing roof structure to create habitable first floor accommodation above the existing dwelling footprint, with 1 ½ storey extensions to the north and a 2nd storey extension to the south. The creation of a garden room on the eastern elevation" to "Raise roof to provide first floor accommodation. Single storey and two storey extensions to front, sides and rear. Remove existing carport/garage. (Resubmission following refusal of 3/21/0040/HOU)." This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.
3. I note from the appeal documents that the appeal proposal is a resubmission of a previously refused development as set out in the description of development. Notwithstanding I have considered the appeal development on the basis of the evidence before me.

Main Issue

4. The main issue the effect of the proposed development the living conditions of the occupants of no. 16 Hazel Drive, with particular reference to outlook, daylight and sunlight.

Reasons

5. No 16 Hazel Drive is a single storey dwelling located on the corner plot between Hazel Drive and Robinswood Drive. No 16 is orientated with its rear elevation perpendicular to the appeal site, set at ground level lower than the appeal site, currently facing the existing flank wall and close-boarded boundary fence of the appeal site (to the south of no. 16). There is a narrow pedestrian access between this flank wall and the fence.
6. The rear of no. 16 has a small outrigger with two windows facing the appeal site, and a half-glazed door set in the corner of the outrigger. At my site visit I was able to see that the main sitting out and patio area is located immediately to the rear of the property, with the remainder of the plot being either more formal front garden or lawned areas. Its outlook is onto the garden and appeal site's boundary fence.
7. The appeal proposal would reduce the existing depth of the flank wall closest to no. 16 in part as a result of the loss of the car port and sections to the front of the existing dwelling, however would extend it to two-storey in height. The proposed extension would create a tall solid flanking wall along this boundary facing no. 16 along the extent of the rear of that property.
8. The development would create an overbearing element to no.16, contributing to a loss of daylight and sunlight. This would be due to the changes in levels between the properties, the scale, orientation and proximity to the shared boundary and would appear large and overbearing when viewed from the house and garden at no 16.
9. It would create a gloomy and oppressive outlook and an unneighbourly sense of enclosure and as such a harmful effect on the living conditions of the occupiers of no. 16. I note that the proposal includes a shallow-pitched roof which the appellant asserts would minimise any impact, nonetheless I have taken into account the overall impact of the development as a whole, which includes taller rooflines to the appeal property which combined would contribute to the unacceptable sense of enclosure and loss of daylight and sunlight.
10. Whilst I acknowledge that the development would not extend the existing dwelling beyond the existing rear wall, nor would it be brought any closer to the boundary than the existing, I consider that the height of the proposed extension would create an oppressive and enclosing effect to the living conditions of no.16 and would cause harm to living conditions by way of loss of daylight and sunlight.
11. For these reasons I conclude that the proposed development would cause harm to the living conditions of neighbouring properties by way of an oppressive outlook and an unneighbourly sense of enclosure to the property at no.16 Hazel Drive. It would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan (Part 1 – Core Strategy, April 2014) which seeks to ensure that all new development must be compatible with (amongst other things) nearby properties and disturbance to amenity and paragraph 130 of the National Planning Policy Framework.

Conclusion

12. For the reasons given above I conclude that the appeal be dismissed.

Rebecca Thomas

INSPECTOR