



Appeal Decision

Site visit made on 13 September 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th October 2022

Appeal Ref: APP/G0908/D/22/3294984

11 Chapel Terrace, Greysouthen, Cumbria, CA13 0UE

- 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 Mrs Debra Law against the decision of Allerdale Borough Council.
 - The application Ref HOU/2021/0235, dated 28 October 2021, was refused by notice dated 16 February 2022.
 - The development proposed is two storey extension to mid terrace cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit was arranged as an access required visit. The Council also requested that the appeal site also be viewed from the neighbouring property Swallow Croft. The appellant was not present when I arrived at the property at the pre-arranged time. However, the appeal site was readily visible from Swallow Croft and from Overend Road and I was able to see all I needed to without entering the appeal property. I am satisfied that no party will be prejudiced by the procedure being altered to an unaccompanied visit.
3. The location plan indicates the neighbouring properties are Nos 9 and 13 Chapel Terrace. However, the evidence indicates that the address of these properties is, respectively, Swallow Croft and Midhowe, Overend Road.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the neighbouring residential occupiers of Swallow Croft.

Reasons

5. No 11 is a 2 storey mid terrace property that fronts onto Chapel Terrace. In common with its neighbours, it is set in a relatively long plot that extends northwards to Overend Road. A single storey rear conservatory has been demolished since the planning application was made. Both the adjoining properties have 2 storey extensions to their Overend Road elevations.
6. The proposal would be a 2 storey rear extension with a pitched roof that would extend over the existing catslide roof to finish slightly below the main ridge line. Its 2 storey eaves and its ridge would be roughly 4.8m and 6.5m tall respectively and it would project roughly 5m from the rear elevation. It would be set roughly 1m in from the boundary with Swallow Croft.

7. By virtue of its scale, length and height, the proposal would result in a significant increase in the bulk of built development close to Swallow Croft. The proposal would substantially enclose the main and the side elevation of the neighbouring dwelling. In this regard, there is a kitchen window and door in the facing side elevation and a ground floor dining room window in the main elevation facing Overend Road.
8. There would be a door serving the kitchen in the side elevation of the proposed extension, but no windows. The rooflight serving a bathroom in the roof slope facing Swallow Croft would be a high level window that would not result in direct overlooking. Taking into account the former conservatory to No 11, the proposal would not result in any greater overlooking or loss of privacy to the occupiers of Swallow Croft.
9. The light survey demonstrates that, as the Swallow Croft dining room window is roughly north facing, the proposal would not result in any loss of direct sunlight to this window. The neighbouring kitchen door and window facing the proposal will already be in the shadow of the adjoining terraced properties for much if not all of the day. The proposal would be likely to result in some overshadowing of the rooflights in the facing roof slope, but these are not the only or principal windows serving the neighbours' first floor room. However, while the proposal would not therefore result in an adverse loss of sunlight to the neighbours, I note that the light survey does not assess impacts on natural light to neighbouring ground floor habitable rooms.
10. The Swallow Croft dining room window is set slightly back from the rear elevation of the appeal property. The outlook includes the walls to either side, the path that serves the entrance to the neighbouring dwelling and the gardens of Swallow Croft and the appeal property. The extensive and largely blank side elevation of the proposal would create a long and gloomy canyon that would significantly diminish the outlook from the window. The dining room borrows light from the adjacent kitchen and the rear hallway, but it is a relatively dark room. The enclosure of its principal window by the proposal would adversely affect the outlook and the level of natural light to the habitable room.
11. The proposal would be within 2-3m of the side elevation of Swallow Croft. By virtue of its height and length, it would create a narrow, dark and deep corridor between the dwellings. I accept that the side facing window is not the principal window serving the neighbours' kitchen, and it looked towards the former small glazed conservatory to No 11. Nevertheless, the proposal would result in significant enclosure and it would be overbearing on the dining room window, the kitchen window and more generally the approach and the entrance to Swallow Croft. The various adverse impacts arising from the scale, massing and proximity of the proposal would cumulatively result in an unneighbourly form of development that would be detrimental to the neighbouring occupiers.
12. Therefore, I conclude that the proposal would harm the living conditions of the residential occupiers of Swallow Croft, with particular regard to outlook, overbearing and natural light. It would conflict with Policies S2, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1) Strategic and Development Management Policies Adopted July 2014. These require, among other things, that proposals ensure good standards of residential amenity, including in terms of sense of enclosure, overbearing and loss of daylight. It would also conflict with the residential amenity aims of the National Planning Policy Framework.

Other Matters

13. The appeal property has a dated internal layout and the sloping roof restricts headroom above the staircase. The proposal would provide enhanced internal living accommodation, meeting modern standards and overcoming the health and safety issues. This would be a significant benefit to future occupiers. However, I cannot be certain that there are no alternative solutions that could provide acceptable living standards without the harm to the neighbours.
14. The proposal would divert rainwater from the roof away from the existing combined drainage system and into a soakaway. However, the appeal site is not in a sensitive area for flood risk and there is little evidence that the proposal would alleviate any existing flooding issues. Proposals are expected to include sustainable drainage and to minimise the risk of flooding. Compliance with policies in the development plan in relation to this or other matters, such as design and parking, do not weigh in favour of the proposal.
15. An extension up to 3m in height could be constructed along the shared boundary under permitted development rights. This would be closer to Swallow Croft than the proposal. However, a considerably smaller and lower single storey extension, albeit still harmful, would not result in the same degree of harm to the neighbouring occupiers that I have found, including in terms of outlook, overbearing, enclosure and light. Permitted development rights extensions or fencing do not provide a justification for the proposal.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR