

Appeal Decision

Site visit made on 3 March 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 20TH March 2023

Appeal Ref: APP/J0540/D/22/3313955

6 Lawn Avenue, Peterborough PE1 3RB

- 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. Ahmed against the decision of Peterborough City Council.
 - The application ref: 22/01197/HHFUL, dated 21 August 2022, was refused by notice dated 6 October 2022.
 - The development proposed is a two storey side, single storey rear and a first floor rear extension.
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Decision

1. The appeal is dismissed.

The Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of No. 8 Lawn Avenue in respect of outlook and light.

Reasons

Outlook

3. The appeal property is detached with a hipped roof and facing onto Lawn Avenue. It has a single storey, flat roofed, detached garage with its length facing No. 6 Lawn Ave. While the appeal property is a two-storey, detached dwelling, No. 8 is a detached, dormer bungalow with a significantly lower height.
4. The proposed development would include a two-storey side extension facing the boundary with No. 8 Lawn Avenue and with its ground floor being some 0.8 metres from the common boundary and approximately 3.5 metres from the rear elevation of No. 8 Lawn Avenue. The roof above the proposed extension would slope away from the boundary.
5. Facing the proposed site extension, No. 8 Lawn Avenue has a first floor dormer window to a bedroom and where the bedroom would appear to extend across the full width of the dormer bungalow where there it has a second window. There is also an en-suite window which would face the proposed side extension.

6. There are also ground floor windows which would directly face the proposed side extension serving a WC, a shower room, and one of two windows serving the dining room. There is also one of two windows serving a ground floor bedroom, but which is set at a 90 degree angle to the proposal extension.
7. The ground floor windows to the adjoining property currently face the blank wall of the existing attached single storey garage to the appeal property and for this reason I consider that there would not be a significantly greater sense of overlooking from them caused by the proposed two storey extension.
8. Currently views from the dormer window to the adjacent property are not impeded by the single storey garage to the appeal dwelling. However, even though the proposed first floor extension would be set in further from the common boundary than the proposed ground floor, and even though the proposed roof would slope away from it, the overall effect of the proposed extension, by its height and closeness, would create an overbearing impact for the occupiers of the adjoining property. The adverse impact would be compounded by the characterless appearance of the facing blank wall of the proposed extension, unbroken other than by a small window to the narrow roof slope of the ground floor.
9. The overbearing impact would not be lessened significantly even if the dormer window is a secondary window, or even, as seems from the submitted plans of the appellant, that it serves an en-suite bathroom, as it also serves a bedroom.
10. Therefore, I conclude that the proposed development, by reason of the size, scale and siting of the two-storey part, would be contrary to policy LP17 of the Peterborough Local Plan 2019 (LP) which requires new development to respect the context of the site, and would not accord with paragraph 130 of the National Planning Policy Framework 2021 (the Framework) which requires development to add to the overall quality of an area and to be avoid detrimental impacts for the occupiers of adjoining properties.

Light

11. The proposed development would create an extension close to the facing windows of the adjoining property and especially to the facing dormer window, such that it is possible that light levels might be significantly and adversely affected, even though the proposed first floor level of the proposed extension would be set back by a small amount.
12. The facing dormer window faces eastwards and any adverse effect of the proposed extension in terms of light would be likely to occur during morning periods. However, I have no technical information before me to assess the degree of any such impact.
13. Therefore, I conclude that on the information before me, the proposed development would not accord with policy LP17 of the LPA or with paragraph 130 of the Framework for the reasons already stated regarding outlook.

Other Matters

14. The appellant states that he is in need for the space for himself, his parents and children. While I do not doubt that this is the case, it does not in itself alter or outweigh my findings on the main issues which are of overriding concern.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR