

Appeal Decision

Site visit made on 20 March 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/H0520/D/23/3315852

2 Windsor Close, St Ives PE27 3DW

- 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 & Mrs Jonathan Trahearn against the decision of Huntingdonshire District Council.
 - The application Ref 22/01710/HHFUL, dated 7 August 2022, was refused by notice dated 25 November 2022.
 - The development proposed is described as a two storey rear and first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear and first floor side extension at 2 Windsor Close, St Ives PE27 3DW in accordance with the terms of the application, Ref 22/01710/HHFUL, dated 7 August 2022, and subject to the following conditions:
 - 1) The proposed development hereby permitted shall begin not later than three [3] years from the date of this decision.
 - 2) The proposed development shall be constructed in accordance with approved plans:
 - 'Proposed Ground Floor and First Floor Plan' Drawing Number PL_03 Rev B, Dated April 2022;
 - 'Block Plan and Location Plan' Drawing Number PL_05, Dated April 2022;
 - 'Proposed Elevations' Drawing Number PL_04 Rev B, Dated April 2022;
 - 3) The materials to be used in the external surfaces of the rear outbuilding shall match those used in the existing building.

Preliminary Matter

2. The Council in their Planning Officer Report state that the rear two storey extension is appropriate and is made in accordance with the development plan. Additionally, in relation to the side extension, the design of the proposed extension is also considered appropriate when considered against the design related policies of the development plan. I have no reason to dispute this opinion, and given the only matter in dispute refers to the living conditions with regards to the side extension, this will be the focus of this letter.

Main Issues

3. Given the above, the main issue is the effect of the proposed side extension upon the living conditions of No.4 Windsor Close, with particular regard to sense of enclosure.

Reasons

4. The appeal site is part of a residential development that appears to have been constructed in the late twentieth century. The streets as part of the estate meander into a number of cul-de-sacs with development of two storey detached properties with a 'tight-knit' layout which has small rear gardens positioned around garages. In this particular circumstance, the appeal dwelling is positioned in line with No.4 Windsor Close containing a similar setback from Windsor Close, however the garden to the appeal site is much longer than No.4 Windsor Close which is on the corner of a cul-de-sac and has its garden to the South-east side of the dwelling, between the side wall, garage and the side boundary of the appeal site. The appeal dwelling has a single storey side extension with lean-to roof along the side boundary.
5. In assessing the impact towards living conditions, Policy LP14 of Huntingdonshire's Local Plan (LP) seeks that development consider the physical relationships arising from the design and that the separation of buildings are not oppressive or overbearing. Additionally, the National Planning Policy Framework (The Framework) Paragraph 130 seeks that development have a high standard of amenity for current and future occupiers. Part H1 of the National Design Guide provides further design related guidance in ensuring that design considers its surrounding context and the associate implications to the living conditions of current and future occupiers.
6. Whilst there is already a brick wall along the boundary, the height of this wall to the eaves is 2.475 metres with the proposal increasing the eaves height of the wall along the shared boundary to 4.275 metres. No.4 Windsor Close has a relatively small garden which is to the side of the dwelling which has a single storey garage along one edge, the rear of the host dwelling, with a maximum separation of 8.8 metres from the side elevation of No.4 to the boundary of the appeal site. Whilst the proposed extension would not be as tall as the main gable of the dwelling, I agree with the Council that there would be a change in the visual appearance of the dwelling in terms of its built form and relationship for residents of the adjacent dwelling at No.4. However, whilst there would be some increased sense of enclosure caused by the proposal, I am not convinced that this would be to a level where it would be adversely detrimental to the occupants of No.4. There still remains an appropriate length and depth of garden and visual outlook from the rear garden of No.4 that is not unexpected or unusual in this particular location where the surrounding context is quite tight-knit.
7. The extension is set down from the main gable and would be relatively subservient in terms of its visual appearance. Whilst I acknowledge the appellant's comments that in the current situation that the vegetation along the shared boundary does and would assist in screening the proposed development, this is outside the control of the appellant and is not a benefit that I can consider as part of the assessment.
8. Consequently, and in conclusion of this matter, the proposed development would be an acceptable addition that would not cause adverse detriment to the neighbouring occupants at No.4 Windsor Close by reason of sense of enclosure.

As such, the proposed scheme would be compliant with LP Policy LP14, the NPPF and accompanying national design guidance as described previously.

Conclusion and Conditions

9. For the reasons given above, I conclude that the appeal should succeed in relation to the proposed extensions.
10. In assessing relevant conditions to place on the decision notice, it is necessary to have the standard conditions of the standard time limit for the avoidance of doubt; and the extension to be constructed in accordance with the approved plans is also necessary as this provides certainty to the scheme which has been approved. A matching materials condition is required in order to be appropriate to the existing building and the character and appearance of the locality.

J Somers
INSPECTOR