



Appeal Decision

Site visit made on 13 April 2023

by K Winnard LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Y3425/D/23/3316335
231 Doxey Stafford Staffordshire ST16 1EE

- 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 Jon Croxall against the decision of Stafford Borough Council.
 - The application Ref 22/36904/HOU, dated 14 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council requested that a site visit been made to the neighbouring property but there was no one at this address at the time of my visit. I was however able to view the neighbouring property from the appeal site.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring property, No 230 Doxey, with regard to outlook and loss of light.

Reasons

4. The appeal property, no 231 Doxey (No 231), is a terraced property within a residential area. In common with its neighbouring properties, it has, what appears to be an original, two storey rear projection. Attached to this projection, as is the case with the neighbouring property, no 230 Doxey (No 230), is an additional single storey rear extension with a lean-to roof. There is a mutual sense of enclosure within the recessed areas between the two storey outriggers and single storey extensions of each property.
5. The proposal would involve a single storey extension projecting from the existing single storey lean to extension and stepped in towards the boundary with No 230. The plans show that the lean to roof would be replaced with a dual pitched roof and there would be a slightly higher dual pitched roof over the proposed extension. The stepped projection closer to the common boundary would reduce the existing gap between the two properties and further restrict the outlook from windows in the rear and side elevations of No 230. The introduction of a dual pitched roof would create an enclosing effect at

- a point where the present outlook is open, to the detriment of the amenities of the occupiers of No 230.
6. The Council's Design Supplementary Planning Document (2018) (SPD) states that in the case of a single storey rear extension permission will normally be granted for an extension projecting more than 3 metres which does not impinge upon a 45-degree sightline from the centre of the nearest ground floor principal window of an adjacent property, in this case, the rear facing dining room window. However, the 45-degree rule is already breached by the existing projections. The guidelines state that this rule cannot be applied on a mechanical basis and that individual site considerations, including the design of existing and neighbouring properties, need to be taken into account in assessing the impact of a proposed extension on the amenity of neighbouring properties.
 7. In this instance notwithstanding the distance of the proposed extension from the rear facing dining room window, the proposal by its increased depth and incorporation of a dual pitched roof closer to the common boundary would introduce a further reduction in outlook. As such the intention of the 45-degree rule to maintain a reasonable relationship between an existing building, extensions and new buildings, would not be met. Consequently, the proposal would give rise to an unacceptable level of harm to the outlook enjoyed by the occupiers of No 230.
 8. Within the officer report the Council refer to a loss of sunlight and daylight. I note that the rear of Nos 230 and 231 face predominantly north. In this respect any loss of sunlight caused by the proposed extension would be minimal in my view and limited to a small part in the morning. Nor do I consider that daylight would be severely restricted due to the orientation of the properties. Consequently, I do not believe that the proposal would result in an undue loss of sunlight or daylight. Rather it is the mass of built form close to the boundary which would cause the harmful effect in this case.
 9. I acknowledge that no objections to the proposal have been received. However, this in itself does not indicate a lack of harm arising from the proposal. I note too that the Council does not raise any concerns with regard to the impact of the development on the character and appearance of the area. The Council has also concluded that the proposal would not give rise to a significant adverse effect on the occupiers of Nos 232 and 233 Doxey.
 10. In conclusion, I find that the proposal would cause unacceptable harm to the living conditions of the occupiers of No 230 Doxey with regard to outlook. Accordingly, the proposal would fail to comply with Policy N1 of The Plan for Stafford Borough 2011-2031 (adopted 2014) which requires development to take account of the amenity of adjacent residential areas. It would fail to comply with the Council's SPD which overall seeks to ensure that extensions should avoid an undue intrusion to windows that make an important contribution to the amenities of occupiers of affected properties. It would also fail to comply with the National Planning Policy Framework which looks to create a high standard of amenity for existing and future occupiers.

Conclusion

11. Therefore, and having regard to all matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR