



Appeal Decision

Site visit made on 03 April 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/Z3445/D/22/3310208

17 Caister, Amington, Staffordshire, Tamworth B77 3QB

- 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 Vanessa Campbell against the decision of Tamworth Borough Council.
 - The application Ref: 0254/2022, dated 17 May 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as Single storey front extension. Two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission granted for a single storey front extension and a two storey rear and side extension at 17 Caister, Amington, Staffordshire, Tamworth, B77 3QB in accordance with the terms of the application, Ref 0254/2022, dated 17 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan reference: Existing & Proposed Plans & Elevations, Site Location Plan & Block Plan, dated March 2022.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of No.16 Caister through overbearing impact and overshadowing.

Reasons

3. The proposed development includes a two-storey rear and side extension which would be built along the boundary with its semi-detached neighbour, No.16 Caister, at a depth of 2.7m. No.16 has rear facing habitable room windows at both ground and first floors. The windows are vertically aligned and are positioned towards the right of the rear elevation. At ground floor level, No.16

also has a rear door which is located between the window and its boundary with the appeal site.

4. Guidance contained within the Tamworth Borough Council Design Guidance SPD suggests that two-storey extensions should not project beyond a 60 degree line from the midpoint of a neighbouring window or door. I observed on my site visit that the rear door of No.16, which would be the closest opening to the proposed extension, is predominantly solid with the exception of a very small square window. Given the design of the door with limited glazing, I consider that it would not be affected by the proposed development. Furthermore, I consider that the first-floor window is unlikely to be affected through overshadowing due to its elevated position in the context of the extension.
5. The appellants site plan indicates that the extension would encroach beyond the 60 degree line of the rear windows, although it is not clear whether the appellants assessment has been taken from the midpoint of the window. Nonetheless, it is apparent that the extension would encroach over the 60 degree line.
6. However, I am mindful that the SPD is guidance only and note that it does provide for some flexibility in the application of this standard, having regard to matters such as orientation and land levels. In this instance the rear elevation of the semi-detached pairing have a northerly outlook. Therefore, the extension would be positioned to the northeast of the neighbouring property, rather than to the southwest as suggested by the Council. Given the orientation of the properties, the relatively modest projection of the two storey extension, and the positioning of the ground floor window, I do not consider that the extension would result in such significant overshadowing to rooms within No.16, or its garden, to result in an adverse effect on their living conditions.
7. With regard to overbearing impact of the development, the degree of projection at 2.7m is relatively modest in the context of the site, the length of the site boundary, and the size of the rear garden of No.16. Planning permission has been granted at the appeal site¹ for a similar two storey rear extension the same distance from the site boundary, albeit with a lesser depth at first floor. This permission remains extant. Given the amount of built form already approved along this boundary, the additional bulk would be relatively minor, and I do not consider that the extent of additional built form would give rise to such overbearing impact to result in an adverse effect on the living conditions enjoyed by No.16.
8. I conclude that the development would not have an unacceptable effect on the living conditions of the neighbouring property through overshadowing or overbearing and as such would comply with Policy EN5 of the Tamworth Borough Local Plan 2006-2031 (LP), specifically criteria g), which seeks to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land through, inter alia, the loss of light and sense of enclosure.

¹ Ref: 0176/2022

Conditions

9. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans to define the terms of the permission. I also attach a condition that the development be carried out in materials to match the host property in the interest of the character and appearance of the area.

Conclusion

10. For the above reasons, I find the effect of living conditions to be acceptable and that the appeal is allowed.

D Cleary

INSPECTOR