



Appeal Decision

Site visit made on 17 July 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/B3410/D/23/3321180

309 Shobnall Street, BURTON-ON-TRENT, DE14 2HS

- 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 S Qureshi against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/01421, dated 9 December 2022, was refused by notice dated 23 March 2023.
 - The development proposed is the erection of a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at 309 Shobnall Street, Burton-on-Trent, DE14 2HS, in accordance with the terms of the application, Ref P/2022/01421, dated 9 December 2022, and the plans submitted with it, 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 plans: Plan titled 'Single Storey Rear Extension' and showing Floor Plan, Elevation and Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council's decision notice refers to the impact of the proposed development on 'the principal kitchen window of the neighbouring property at 310 Shobnall Street'. From the plans, my site visit and the context of the Council's documentation, it seems clear that this reference should be to No 308 Shobnall Street. This is the context that I have used in making my decision.

Main Issues

3. The main issues in this case are the effect of the proposed extension on:
 - The character and appearance of the area around Shobnall Street, and
 - The living conditions of the occupiers of No 308 Shobnall Street by way of light and outlook.

Reasons

4. No 309 is an end-terraced house sited on the western side of Shobnall Street. It is brick-built and wide-fronted. It has a two-storey rear outrigger on its southern side on the boundary with No 310. It also has a single-storey rear extension projecting beyond the outrigger, and a rear conservatory on its northern side against the boundary with No 308. There is a gap of around 2 metres between the northern side elevation of No 309 and the southern side elevation of No 308. The rear yard of the property is long and includes a large car parking area.
5. The proposed development would involve the demolition of the existing conservatory with an 'infill' single-storey rear extension replacing it and also projecting some 6.5 metres beyond it. The replacement element would have a flat roof, while the new projection would have a monopitch roof up to the existing outrigger and single-storey extension, from where it would have a flat roof to the side boundary with No 310. The extension would have a height of some 2.1 metres to the eaves close to the boundary with No 308 rising to around 3.1 metres before continuing as a flat roof.
6. Detailed Policy 1 of the Council's Local Plan (LP) indicates that in assessing the design of development proposals, the Borough Council will have regard to, amongst other things, the massing of the development in relation to the context of the development and how the height and massing of the proposed development relates to the height of surrounding development.
7. Detailed Policy 3 of the LP indicates that buildings constructed within the curtilage of a dwelling for uses that are ancillary to the dwelling should be appropriately designed, especially in terms of scale. In addition, the buildings should not result in a material loss of light to principal windows or the private amenity space of adjacent dwellings and should not have an unacceptably overbearing impact on adjacent dwellings.
8. Policy HD5 of the Made Shobnall Neighbourhood Plan (NP) indicates that key design features of the 'Residential Spine' of the area (Shobnall Street and Grange Street), include consistent regularity of rooflines and building forms in long terraces, and use of materials including redbrick and slates.
9. The Council contends that the design and layout of the proposal would result in a block form which is not considered to align with the existing built form for terraced dwellings in the area. The proposed roofline is also considered to compromise the regularity of mono-pitched rooflines for single storey extensions of the long terraces on this section of Shobnall Street. In addition, the size and position of the proposed side extension is such that it would result in an overbearing and overshadowing impact on the principal kitchen window of the neighbouring property at No 308 Shobnall Street to the detriment of the amenities of its residents.
10. The appellant contends that the limited height of the extension would mean that there would be no detriment to light or outlook for the neighbouring dwelling. Moreover, the houses on the street have been altered and extended in many different ways, including a range of single-storey rear extensions. Finally, the appellant notes that the proposed extension would be separated by some 4 metres from the dwelling at No 308 Shobnall Street.

Character and appearance

11. The proposed extension would be of limited height and would not be readily seen from Shobnall Street since it would be set in a small amount from the main side elevation, and would be only 2.1 metres high to the eaves. The visual impact of the extension would, therefore, be confined to views from an access lane at the rear of the properties along this part of Shobnall Street. The properties have long rear yards/gardens, most of which include car parking areas. There are extensions of various sizes and designs to the rear of most properties in the surrounding area. These have a range of roof styles including pitched roofs and mono-pitched roofs with varying orientations. Few extensions cover the full width of the plot but, given that most properties are narrow, mid-terraced houses, there would appear to be less than 4 metres of actual space between rear outriggers/extensions at almost any point along the road around the appeal property.
12. On this issue, given that the extension would have little or no impact on the street scene along Shobnall Street and that there is no clearly defined character or appearance to the area at the rear of the properties, I consider that it would not be harmful to the overall character and appearance of the area around this part of Shobnall Street. On this basis, it would not conflict with Policies 1 and 3 of the LP or with Policy HD5 of the NP.

Living conditions

13. By virtue of the gap between Nos 308 and 309, along with the set-in nature of the rear outrigger at No 308 and the slight set-in of the proposed extension itself, the distance between the extension and the nearest windows in the side elevation of No 308 would be around 4 metres. The extension would be only around 2.1 metres to the eaves and would have a low mono-pitch roof sloping away from the joint boundary.
14. I have not been provided with any details on light or overshadowing, but from the information available to me, along with evidence from my site visit, I do not consider that the proposal, by virtue of its limited height, would have any significant impact on light received at the side of No 308, nor would it overshadow that property or present an overbearing outlook. On this basis, it would not be harmful to the living conditions of the occupiers of No 308 by way of light or outlook and would not, therefore, conflict with Policy 3 of the LP.

Conditions

15. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR