The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2023 by C Glaister BSc (Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/V1260/D/23/3317664
30 Kimberley Road, Bournemouth BH6 5EX

- 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 Katie De Souza against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 7-2022-22566-D, dated 8 July 2022, was refused by notice dated 22 December 2022.
- The development proposed is described as "The development proposes a side, rear and roof extensions to create a 5 bedroom dwelling. This application is an amendment of withdrawn application 7-2022-22566-C. The amendments include lowered eaves/gutter height and reduced dormer on the south east elevation".

Decision

1. The appeal is allowed and planning permission is granted for side, rear, and roof extensions at 30 Kimberley Road, Bournemouth BH6 5EX in accordance with the terms of application Ref 7-2022-22566-D, dated 8 July 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 plans including the materials specified thereon: 001 (Location and Block Plans), 002 (Site Plan), 200 Rev A (Floor Plans), 250 Rev A and 251 Rev A (Elevation Plans).

    3) The first-floor windows on the south-east elevation, and the ground-floor window and dormer window on the north-west elevation of the development hereby permitted shall be installed with obscured glass, obscured to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard). The windows shall also be installed so that they are non-opening (except that part which is above 1.7m above the floor of the room in which the window is installed). Once installed, the obscure-glazing and restricted means of opening shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. In the decision above, wording which is not directly relevant to acts of development has been removed to ensure the decision relates precisely to the development being allowed.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 28 Kimberley Road, with regard to light and outlook.

Reasons for the Recommendation

5. The property is a detached two-storey dwelling. Other properties on the road, although similar in this regard, differ in size, design, and layout. Nevertheless, a close relationship between side elevation windows and the wall of the building adjacent is a common characteristic amongst properties in the area. No 28 is narrower than the appeal property and has a greater depth at first-floor and ground-floor levels. It has a large ground-floor side-elevation window serving a dining room which is roughly aligned with the existing rear two-storey wall of the appeal property. Directly above, at first-floor level, is another large window that serves a hallway.

6. The existing outlook from the ground-floor window is predominantly of the side elevation of the appeal building, including the main two-storey part of the property, the single-storey element at the rear and the boundary fence located between the two dwellings. The outlook from the first-floor window includes parts of the two-storey element of the appeal property and the rear of No 32. Further east, there are some more distant properties, trees, and open sky. Both windows receive some daylight but it is restricted by the proximity of the appeal property.

7. The document "Residential Extensions a Design Guide for Householders" (September 2008) (SPD) seeks to ensure extensions do not adversely affect the occupiers of neighbouring properties. It advises that rear extensions should not break a 45-degree line drawn from the middle of the nearest affected neighbouring window. The intention is to avoid harmful impacts on light and outlook. The rear extension would breach this line in relation to the side elevation windows at No 28. However, this advice is guidance only, and the specific circumstances of the site need to be considered.

8. The first-floor rear extension proposed would extend to a similar depth as the two-storey portion of No 28. It would be set in from the existing side elevation, leaving a greater amount of space between the extension and No 28 than between No 28 and the existing two-storey wall of the appeal property. The outlook from the ground-floor window at No 28 would change as a result, however it is already quite restricted. Therefore, the overall impact would be small, and not sufficient to harm the living conditions of the occupiers.

9. There would be a greater change to the outlook from the first-floor window, where the open outlook in one direction would be limited by the first-floor extension proposed. However, some outlook towards trees and sky would remain, and the inset would mitigate the visual impact of the extension so that it would not appear unduly overbearing or oppressive. Moreover, the hallway is not a habitable room, and therefore the impact of this reduced outlook on the living conditions of the occupiers of No 28 would be limited.

10. There would be some reduction in the light available to the ground-floor and first-floor windows. However, this would be minor given the size of the windows and the distance between them and the extension. The windows would therefore continue to receive adequate light.

11. Consequently, whilst there would be some changes to light and outlook for both of the windows in the side of No 28, the inset would help mitigate the effects. The resultant conditions would not have a harmful impact, particularly in the context of the close-knit residential development characteristic of this area. The occupants of No 28 would continue to maintain a high standard of amenity.

12. Accordingly, the development would not cause harm to the living conditions of the occupiers of 28 Kimberley Road with regard to light or outlook. It would therefore accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) which seeks to ensure development respects the site and its surroundings and avoids detrimental effects upon amenity. The development would also accord with the National Planning Policy Framework (2021) which seeks to ensure a high standard of amenity. While there would be some conflict with the guidance in the SPD, it would comply with the general aim to safeguard the living conditions of neighbours.

Other Matters

13. No 32 Kimberley Road is of a similar width to the appeal property but has a greater two-storey depth. It has two small windows at first-floor level that serve a bedroom, both of which directly face the existing two-storey side wall of the appeal property. The first-floor rear extension proposed would extend to a similar depth as the two-storey rear elevation of No 32.

14. The first-floor extension would breach a 45-degree line drawn from the two windows identified at No 32, however the appeal property already breaches this line. The increase in ridge height would be minor, with the pitched roof still sloping away from No 32. The proposed dormer would be modest in size and set in from the eaves. Given the above, there would be very little change in the light available to the two windows in the side of No 32, and the effect would not be materially harmful or prevent use of the room.

15. The proposed development would result in some additional shading of the garden of No 32 due to its increased depth and height, however this would only be for a short period and the good-sized garden would continue to receive plenty of light from other aspects. Therefore, the shading would not significantly affect the useability of the garden or harm the living conditions of the occupiers.

16. There is already mutual overlooking of neighbouring gardens from the rear windows of each property in this area. The larger windows proposed on the rear of the appeal property would allow for slightly wider views of the neighbouring gardens. However, vegetation along the boundaries would continue to provide some screening, and therefore the degree of overlooking would not increase significantly beyond what currently exists, and would not harm the living conditions of neighbouring occupiers.

17. A condition ensuring the first-floor windows on the south-east elevation, and the ground-floor window and dormer window on the north-west elevation of the

development are obscure-glazed would prevent overlooking occurring from these rooms into areas that do not currently experience significant overlooking. It would also be necessary to restrict the means of opening for these windows to avoid overlooking occurring from an open window, and to enforce a minimum level of obscure-glazing to ensure visibility is sufficiently reduced. I have therefore amended the Council's suggested condition accordingly.

18. There is however no need for the south-east dormer to be obscure glazed, as the relative position of the window means that views down towards the side windows at No 32 would be very limited.

19. Smoke from the chimney of No 32 entering the appeal property through the south-east facing dormer window is unlikely to be a concern due to the height of the chimney and the distance from the dormer window.

20. The increase in ridge height would be minor and the height of the property would not appear incongruous in the wider street scene, where there is some variety in roof form. The dormers would be modest, set in from the ridge and the eaves, and set back from the front elevation. Whilst the dormers would have a contemporary appearance this would be subtle and, as they would be set back from the front, the glazing would not be readily visible from the public realm. Therefore, they would not detract from the overall design of the property. Accordingly, harm would not arise with regard to the character and appearance of the host property, or the surrounding area.

Conditions

21. In addition to the condition discussed above, conditions relating to the commencement of the development, and to ensure adherence to the plans provided, are recommended in the interest of certainty. The materials proposed on the plans would safeguard the character and appearance of the area, and compliance with these would be secured by the plans condition. Accordingly, a separate condition would not be necessary.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report. For the reasons set out above I agree that the proposal would not harm the living conditions of neighbouring occupiers with regard to light or outlook and would not harm the character or appearance of the area. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR