



Appeal Decision

Site visit made on 31 July 2023 by T Bennett BA(Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/A3010/D/23/3316376

3 Spinneymede, Mattersey Road, Ranskill, Retford, DN22 8NB

- 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 George Clay on behalf of G M Clay Architectural Designs Ltd against the decision of Bassetlaw District Council.
 - The application Ref 22/01583/HSE, dated 21 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is an extension to the existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the existing garage at 3 Spinneymede, Mattersey Road, Retford, DN22 8NB in accordance with the terms of the application, Ref 22/01583/HSE, dated 21 November 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: Proposed Elevations and Plan dated 18 November 2022, Block Plan, Site Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the living conditions of No. 2 Spinneymede with particular regard to light.

Reasons for the Recommendation

4. The appeal site comprises a two-storey detached dwelling set within a cul-de-sac of similar properties. A detached double garage facing west is sited forward of the property and located close to the boundary of the neighbouring property and rear garden of No.2 Spinneymede. An outbuilding is located to the rear of the existing garage also adjacent to the boundary of the neighbouring garden.

- A low wall and planting demarcate the boundary between the appeal site and neighbouring property at the side of the existing garage.
5. At the rear of No. 2 is a conservatory which faces east and is sited to the north of the existing garage at the appeal property. The rear elevation of No 2 is set forward of the front of the neighbouring garage by approximately 1m. As a result of this and the low boundary treatment, an open gap currently exists which would allow sunlight into the conservatory later in the afternoon.
 6. The proposed 1.5m gable fronted extension to the front of the existing garage would remove this open gap with the introduction of additional built form along this boundary. Whilst the extent of additional development would be limited, when considered cumulatively in conjunction with the existing garage and outbuilding it would result in built form along almost the entire shared boundary.
 7. In assessing the impact on living conditions and in particular light, I accept there would inevitably be some loss of light to the conservatory during the afternoon. However, I am not persuaded that it would be so significantly affected over and above the existing situation, and for the impact on the living conditions of the neighbouring occupiers to be unacceptable.
 8. In coming to this view, I have considered the enclosed nature of the neighbouring rear garden and that the existing garage, located directly south of the conservatory, would already cause significant overshadowing to both the conservatory and garden.
 9. I have also considered the '45-degree rule' outlined in the Successful Places Supplementary Planning Document (2013) which the council states can be used to assess the impact of an extension on daylight. The council do not draw any conclusions as to whether the proposal accords with this. However, the Appellant considers the garage extension would meet the technical requirements of this policy and from the evidence before me, I see no reason to disagree. This therefore is a useful indicator to suggest that light levels would not be reduced from the proposed garage extension to an unacceptable level.
 10. Moreover, due to the orientation of the conservatory and garage, whilst the period of direct sunlight would be reduced later in the afternoon, the pitched roof form of the garage extension, sloping away from the shared boundary, would not prevent daylight from entering the conservatory, particularly when considering the translucent roof material which allows natural light to enter.
 11. For the reasons above, the proposal would not unacceptably impact the living conditions of neighbouring occupiers and therefore I find no conflict with the objectives of the National Planning Policy Framework and Policy DM4 of the Bassetlaw District Local Development Framework (2011) which seeks to ensure that new development does not have a detrimental effect on the residential amenity of nearby residents.

Conditions

12. In addition to the standard time period for commencement of the development, a condition requiring the development to accord with the approved plans, is necessary to provide certainty and precision. The council and Appellant have also suggested a condition requiring the external materials to be used in the

construction of the development to match those of the existing building. In the interests of the character and appearance of the host building and streetscene I agree that this condition would be necessary.

Conclusion and Recommendation

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

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed subject to the conditions as listed.

Martin Seaton

INSPECTOR