



Appeal Decision

Site visit made on 7 November 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28TH November 2023

Appeal Ref: APP/P0119/D/23/3327332

37 Turnberry, Warmley, BS30 8GL

- 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 Ms S Tolfree against the decision of South Gloucestershire Council.
 - The application Ref P23/01588/HH, dated 9 May 2023, was refused by notice dated 27 June 2023.
 - The development proposed is described as the proposed removal of existing conservatory and construction of a new 3m deep single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed removal of existing conservatory and construction of a new 3m deep single storey rear extension; in accordance with the terms of the application Ref P23/01588/HH, dated 9 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Proposed Floor Plan and Elevations, Drawing No: 200, Dated May 2023;
 - OS Location Plan and Site Block Plan, Drawing No: 001, Dated May 2023.
 - 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 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.

Preliminary Matter

2. I note reference in the description on the Application Form with regards to the demolition of a conservatory. The demolition of the conservatory had already occurred on my site visit, and in any event, does not require planning consent and as such does not form part of this decision. I have therefore made my judgement on this basis.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of No. 35 Turnberry, with particular regard to sense of enclosure and access to light.

Reasons

4. The appeal site is located along Turnberry, a residential cul-de-sac which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early twenty-first century. The dwellings along Turnberry which includes the appeal site are laid out in groups of terraced dwellings with narrow rectangular rear gardens. No.35 shares a side boundary with the appeal site and has very similar garden dimensions and orientation. There is a paved area to the rear of this dwelling which appears to be utilised for formal dining/entertaining.
5. With regards to access to light, No.35 shares its southern side boundary with the appeal site. Given the trajectory of the sun from East to West, the shadow cast from the proposed extension would predominantly be a small area to the rear of the neighbouring property during the morning, reducing as the day goes on. The shadow cast would only be limited to a small area to the rear of the neighbouring property, allowing the majority of the garden sufficient access to light. Whilst I agree with the Officer's Report there would be some loss of light, it would not be to a level where it could be considered 'significant' and I therefore disagree with the Planning Officer's report that there would be significant harm caused by overshadowing of this neighbouring property's rear garden space. As such, the small increase in shadow would not be excessive given that adequate exposure of the rear garden to light and sun is still achievable and within appropriate measures.
6. Turning to sense of enclosure, whilst the proposed extension would be 3 metres deep, this would be longer due to the inset nature of the neighbouring dwelling which is set forward of the appeal property. The proposed extension would contain a flat roof and is single storey which reduces its height and does not consume the garden or produce a tunnelling effect for the neighbour at No.35 who has an adequate level of access to sky from the rear garden. An extension such as this is typical and expected for many rear gardens and would not be out of place in this particular context. Whilst I agree there would be some change to outlook from the neighbouring property, I disagree that it would be to a level that could be considered to cause 'significant' detriment to the living conditions of the neighbouring property.
7. Taking the above into account, I disagree that the proposed rear extension would result in excessive harm to living conditions as a result of sense of enclosure or access to light. Consequently, the proposed scheme is made in accordance with South Gloucestershire Local Plan: Policies Sites and Places Plan Policies PSP8 and PSP38 which both seek to ensure that proposed extensions do not result in an unacceptable loss of amenity.

Conclusion and Conditions

8. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed previously.
9. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for

the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which is necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality.

J Somers
INSPECTOR