



Appeal Decision

Site visit made on 16 January 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/D0121/D/23/3323956

8 Woodhill Road, Portishead, North Somerset BS20 7ET

- 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 G Jefferies against the decision of North Somerset Council.
 - The application Ref 22/P/2943/FUH, dated 8 December 2022, was refused by notice dated 28 April 2023.
 - The development proposed is described on the application form as, "First Floor Extension and Loft Conversion".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed, and written confirmation that a revised description of development has been agreed has been provided. Accordingly, I have considered the appeal on the basis of the description of development given in the Council's decision notice, which is, 'Proposed erection of a first floor rear extension (east elevation), front canopy porch, 2 No. Front dormers (west elevation) and 1 No. Large rear dormer. Subsequent loft conversion and internal structural alterations'.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 10 Woodhill Road, with particular regard to daylight and outlook.

Reasons

4. The appeal site comprises a detached dwelling, 8 Woodhill Road (No 8), located in a predominantly residential area in Portishead. 10 Woodhill Road (No 10) is situated immediately to the north of the site.
5. A home office is present on the southern elevation of No 10, which is part of a side dormer roof extension. This office has a south-facing window, facing towards No 8. The office also has an east-facing porthole window. I observed that, due to the distance of the existing side elevation of the first floor section of No 8 from the office window, and the open aspect across the flat roof of the ground floor extension of No 8 towards the south-east, the office currently benefits from a good amount of daylight and a largely open outlook.

6. The appellant has stated that the flank of the proposed first floor rear extension would be sited approximately 2.5 metres from the office at No 10. Although some daylight would still be received from the left-hand side of the office window facing No 8, at such close proximity to that window, the proposed extension would, by reason of its scale and height, unduly reduce the amount of daylight received into the office. This adverse impact would not be off-set by the presence of the porthole window, due to the limited contribution which that small porthole window makes with respect to daylight.
7. Although the amount of daylight entering the office would likely exceed that presently received by the front room of the side dormer roof extension, taking account of the office's function as a habitable room, this would not be at a level which would provide acceptable living conditions for the users of the office.
8. Moreover, whilst outlook via the left-hand side of the office window facing No 8 would be unaffected, at such close range the proposed first floor rear extension would, due to its scale and height, appear as a dominant and overbearing feature which would result in a significant enclosing effect for the users of the office, and it would significantly obscure much of the foreground outlook presently available from the office window.
9. Consequently, the office at No 10 would become much less pleasant to use as a result of the proposed development. Although the office is likely used less intensively than other habitable rooms, the degree of harm identified above would be unacceptable in this case. Hence, the proposed development would conflict with section 2 of the Residential Design Guide¹ which provides that, amongst other things, a new residential building or an extension to an existing one should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms.
10. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 10, with particular regard to daylight and outlook. It would conflict with the 3rd bullet point of Policy DM32 of the Development Management Policies: Sites and Policies Plan Part 1 (adopted 2016) (DMP) which provides that, amongst other things, in determining whether the design is acceptable account will be taken of whether the design and layout should not prejudice the living conditions of adjoining occupiers through overbearing impact.
11. The proposed development would also conflict with paragraph 135 f) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
12. Policy DM37 of the DMP, referred to by the Council in their decision notice, relates to proposals for new dwellings and therefore is not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Planning Balance

13. I note the lack of objections from the occupiers of No 10, but the harm identified on the main issue above would remain, notwithstanding their lack of

¹ Residential Design Guide – section 1: Protecting living conditions of neighbours (Supplementary Planning Document) (adopted 2013)

objection. This is a neutral matter, which does not weigh in favour of the proposed development.

14. The proposed development would provide enhanced living accommodation, to the benefit of the appellant and the future occupiers of No 8. However, as these would mainly be private benefits they have been given little weight in support of the proposed development. These benefits do not outweigh the identified harm, nor do they indicate that the development plan should not be followed.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR