



Appeal Decision

Site visit made on 19 February 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/D0121/D/23/3335030

52 Ridgeway, Nailsea, North Somerset BS48 2EF

- 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 Stefan Dewar against the decision of North Somerset Council.
 - The application Ref 23/P/1533/FUH, dated 18 July 2023, was refused by notice dated 4 October 2023.
 - The development proposed is a residential side extension over the garage and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 54 Ridgeway (No.54) with particular regard to outlook, sunlight and daylight.

Reasons

3. The appeal site comprises a two-storey, semi-detached property with an attached single garage to the side. The side elevation of the garage is positioned close to the appeal property's boundary with No.54, a compact semi-detached bungalow. Given the bungalow's oblique siting within its plot and limited garden depth, there is only a small gap between the nearest part of its rear elevation to the rear boundary, and therefore the side elevation of the appeal property.
4. The proposed development would increase the height of the garage to provide an upper floor and extend the depth of the property with a single-storey extension to the rear. The extensions would be visible from the bungalow's rear window which, given the close relationship between the appeal property and No.54, would dominate and restrict the outlook for its occupiers. Whilst the ridgeline height of the upper floor over the garage would be lower than the main part of the property and would have a hipped roofline, nevertheless, the additional mass proposed above the garage would be an intrusive and overbearing feature for occupiers of No.54.
5. I have been referred to a previously refused scheme¹ (the first application) on the site which was supported by a Design and Access Statement (DAS). Although the DAS included a shadow study, neither it nor the DAS has been

¹ Application ref: 22/P/1862/FUH

provided as part of the appeal or planning application to which this appeal relates. Whilst figures showing the shadowing effect of the existing and proposed property are included in the appellant's appeal statement, these are limited to a single month and time (February at 09:00). Moreover, the two sketch figures have been drawn at different angles which makes an accurate comparison of the shadows created impractical.

6. Nonetheless, the appellant indicates that a slight increase in shadowing would affect the neighbouring property which would, as a result, lead to a reduction in sunlight reaching the garden area of No.54. Even if the Council were satisfied on the first application that this loss of sunlight would not be significant, this has not been sufficiently demonstrated on the appeal application. Therefore, given the small size of No.54's garden and the proximity of the appeal property, I am unable to conclude with certainty that the proposed development would not lead to an unacceptable loss of sunlight to the adjoining garden.
7. Due to the short distance between the appeal property and the bungalow, the amount of daylight which reaches the windows on the rear elevation of No.54 is already restricted. Therefore, even a slight increase in shadowing as a result of the proposed development would reduce the amount of daylight reaching the rooms served by the rear windows, thereby extending the amount of time these rooms would be dark and uninviting. This would be detrimental to the existing occupiers.
8. I conclude that the proposed development would harm the living conditions of the occupiers of No.54 with particular regard to outlook, sunlight and daylight. It would be contrary to policies DM32 and DM38 of the DMP² which, amongst other provisions, specifies that the design and layout of new development should not prejudice the living conditions of adjoining occupiers. I also find conflict with the Design Guide³ due to the harm to the living conditions of neighbouring residents I have identified above.

Other Matters

9. I appreciate that the proposed development would be beneficial to the appellant's growing family and that they do not wish to move. However, this is a private benefit which does not outweigh the harm to neighbouring occupiers I have found above.
10. Even if I were to conclude that the proposed development would not lead to a loss of privacy for neighbouring occupiers, this would be a neutral factor in my decision.
11. Although reference is made to the support from the occupier at No.54, there is no evidence before me substantiating this. Furthermore, any supportive comments, including those on the first application, the lack of objections from neighbours and the Nailsea Town Council's recommendation for approval of the application which is the subject of this appeal, are neutral factors in my decision.
12. My attention has been drawn to several properties within the area that have been extended. Notwithstanding the limited evidence provided of these

² Development Management Policies Sites and Policies Plan Part 1 (the DMP)

³ North Somerset Residential Design Guide Supplementary Planning Document (the Design Guide)

extensions or the planning regime in place at the time of any approval, the relationships between these extended properties and neighbouring properties are materially different from the case before me.

Conclusion

13. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR