



Appeal Decision

Site visit made on 22 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal Ref: APP/P2935/D/24/3337602

228 Plessey Road, Blyth, Northumberland NE24 3NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Karen Norris against the decision of Northumberland County Council.
 - The application Ref is 23/02041/FUL.
 - The development is an extension above existing kitchen to form new bathroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first-floor extension has already been constructed. I have dealt with the appeal on the basis that planning is being sought retrospectively for the development.
3. The appellant has stated that the development would assist in them living with an ongoing medical condition. In accordance with the Public Sector Equality Duty (PSED), I have taken this into account in determining this appeal.

Main Issues

4. The main issues are the effect of the rear extension on:
 - the living conditions of 226 Plessey Road (No 226) with particular regard to daylight and sunlight and outlook; and
 - the character and appearance of the surrounding area.

Reasons

Living conditions

5. The appeal property (No 228) is a detached two-storey dwelling located close to the junction with Plessey Road and Broadway. Its immediate neighbour, to the north, No 226, occupies a triangular plot with its front and side garden open to passing views from the street.
 - a) *Daylight and Sunlight*
6. The occupants of No 226, and the owner, state that light levels within rooms to the rear of the property have decreased significantly since the rear extension was built. This has resulted in a reliance upon artificial light to brighten the rooms. It is also put that the extension has resulted in overshadowing and

resulted in a predominantly shaded garden. Notwithstanding No 226 having been extended, the Council considers the appeal extension breaches the '45-degree rule' and causes harmful overshadowing to No 226.

7. The appellant's Daylight and Sunlight Study (the study), submitted in support of their appeal, is based on the Building Research Establishment guidance 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (BRE guidance) and provides an analysis of daylight and sunlight and overshadowing of the appeal development on the light receivable at No 226. I have taken references to window positions within No 226 from the study.
8. Whilst the study indicates all rooms within the rear of No 226 would achieve light levels in accordance with the BRE guidance, it also states light levels to W1 (dining room), W2 (kitchen) and W4 (bedroom) have been diminished by the rear extension. Notwithstanding the fact that overall levels within rooms comply with the BRE guidance, Annual Probable Sunlight Hours for W1 are shown to be reduced during the winter from 5% to 2%, W2 is shown to be reduced in the summer months from 27% to 23%, and Vertical Sky Component levels for W2 and W4 are shown to be reduced from 28.3% to 25.5%, and from 24.2% to 22.6% respectively. I, therefore, consider that the appeal extension has reduced the light levels within the rear of No 226.
9. With regards to the rear garden, BRE guidance recommends that at least 50% of the area of each amenity space should achieve at least two hours of sunlight on 21 March. The Study states that the garden of No 226 measures 41.75 square metres, and that before the rear extension was constructed 15.25 square metres (37%) of this area achieved at least 2 hours of sunlight on the 21st of March. Since the extension was built, this has reduced to some 10.99 square metres (26%). This equates to 63% of the garden being in shade for more than 2 hours before the extension was constructed, which has now increased to 74%. It is clear from the study that the rear garden fails to achieve the recommended BRE levels of overshadowing for amenity space and that this is noticeable to the existing occupants of No 226.
10. Sunlight has an important impact on how an external area is used. Given that the rear garden is the only private amenity area for the occupants to enjoy, and had previously limited hours of sunlight, the additional reduction in sunlight exacerbates an existing poor situation. A further increase in shading to this area reduces the usability of the external amenity space. Consequently, I consider that the reduction in light within the rear garden of No 226 is noticeable and has harmed the living conditions of the occupiers. Accordingly, the development is contrary to Policies HOU9 and QOP2 of the Northumberland Local Plan 2016-2036 (Local Plan), insofar as they seek to avoid significant adverse impacts on the amenity of adjoining properties in terms of an unacceptable development to loss of daylight/sunlight. There would also be conflict with Chapter 12 of the National Planning Policy Framework (Framework), which seeks, amongst other matters, to create places with a high standard of amenity for future users.

b) Outlook

11. The Council contends that the appeal extension has had an overbearing effect on the outlook for the occupiers at No 226. Whilst its officer report refers to the ground floor kitchen window (W2), the occupiers and the owner of No 226 contend its presence also affects the outlook from rear bedrooms (W3 and W4).

12. W2 directly overlooks the shared boundary, with W3 predominantly overlooking the gardens of No 228 and those beyond. While the extension will be visible from both windows, given the orientation No 226 and the positioning of these windows within its rear wall, views of the extension are oblique. I am therefore satisfied that there is no significant adverse effect on the outlook from W2 within No 226.
13. W4 predominantly overlooks the main flank elevation of the appeal property. Given the depth of its side extension and the orientation of windows, it is reasonable to assume that this contains one room and is dual aspect. Even if the rear extension of No 228 is visible from W4, the angles are oblique. As W4 has a window to its opposing elevation, I am satisfied that the outlook from this room is not significantly affected.
14. Whilst the ground floor element of the rear extension extended beyond the main rear wall, this was single-storey. The development now extends the flank elevation at an elevated position. Even though the rear extension retains its separation from the boundary, the combination of its height and projection beyond the main rear wall, together with the constrained nature of the rear, results in the extension towering above the occupants of No 226 when within the rear garden.
15. I conclude that even if there would be no harm to the living conditions of occupiers with regard to outlook from within habitable rooms within No 226, harm to their living conditions has occurred from the overbearing impact within its rear garden. Therefore, conflict also arises with Policy HOU 9 and QOP 2 of the Local Plan insofar as they seek, to ensure development does not have a visually obtrusive or overbearing impact on neighbouring uses.

Character and appearance

16. The rear of the immediate context within which No 228 is located is more tightly confined than its front due to the orientation of properties on Plessey Road, Broadway and Eleventh Avenue. Whilst some properties benefit from rear extensions, these appear to be only single-storey. As such, prior to the construction of the rear extension, the character to the upper floors within the rear would have been open.
17. Given that the rear extension juts outwards at the upper level and beyond its immediate neighbours, its presence appears prominent within its context. Such an anomaly therefore erodes the valuable open character which would have existed. Even though the overall floor area of the rear extension is modest, the materials match and the ridgeline is set below that of the main dwelling, its appearance goes against the prevailing character of the surrounding area.
18. I conclude that the rear extension results in harm to the character and appearance of the surrounding area, contrary to Local Plan Policies QOP 2 and HOU 9 insofar as they seek to ensure, that the physical presence and design of the development preserves, respects and complements the character of the area. There would also be conflict with the Framework, which seeks, amongst other things, to ensure developments add to the overall quality of the area and are visually attractive.

Other Matters

19. I understand that the appellant did not intend to undertake development that required planning permission and that Building Regulations have been obtained. However, these matters do not outweigh the harm that I have identified above.
20. Whether or not the extension to No 226 has impacted light levels to the kitchen and staircase of No 228 is not determinative to the assessment of the appeal before me.

Planning Balance and Conclusion

21. As part of determining this appeal proposal, I have had due regard to the PSED contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability.
22. I note that the appellant claims that the rear extension provides a much-needed bathroom facility as previously the property only contained a disabled shower. The appellant has explained that such a provision would offer an improvement to their quality of life. However, plans submitted in support of the application show that the upper floor did have a bathroom and that the rear extension now creates additional floor space to the existing room.
23. Whilst I am sympathetic to the needs and personal circumstances of the appellant, I am also mindful that those needs and circumstances of the appellant could change. A grant of planning permission for the rear extension, however, would perpetuate unacceptable harm to the living conditions of the occupiers within No 226 in respect of light and use of their rear garden. It would also give rise to unacceptable harm to the character and appearance of the surrounding area. The development conflicts with the development plan and I attach substantial weight to this finding against the appeal.
24. On balance, the proposal conflicts with the development plan taken as a whole, and material considerations, including the personal circumstances of the appellant, do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

L Clark

INSPECTOR