



Appeal Decision

Site visit made on 16 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/A2470/D/24/3341635

7 Manor Close, Ryhall, Stamford PE9 4JB

- 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 Mrs Sally Ann Waycot against the decision of Rutland County Council.
 - The application Ref is 2023/1208/FUL.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. New information relating to protected species and on-site car parking spaces has been submitted by the appellant to seek to address reasons 3 and 4. If the appeal had been allowed it would have been necessary to address these matters and seek the views of the main parties before proceeding, particularly as the information was not before the Council at the time of its determination. As I have found the proposal unacceptable in planning terms on the main issues below and since I find that overcoming reasons 3 and 4 would not affect the overall outcome, it is not necessary to assess these points any further.
3. For the avoidance of doubt, I have determined this appeal based on submitted plans referenced Location Plan SAW/04/11-2; Block Plan SAW/03/11-23; Proposed Site Plan SAW/05/01-24; Existing/Proposed Floor Plans and Elevations SAW/01/11-23; Existing/Proposed Side Elevations SAW02/11-23.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of the neighbouring occupiers at No. 2 Back Lane particularly in relation to loss of natural light.

Reasons

Character and Appearance

5. The appeal property is a two-storey dwelling located in north-east Ryhall. It is within a cul-de-sac of five properties of similar mid-century design

characteristics, some with extensions. The other properties have a significantly larger footprint and plot size than the appeal dwelling. Even though these properties have been extended, the relationship between them in terms of the impact on neighbours' living conditions and the character of the street scene remains acceptable within their context.

6. The appeal property is the first dwelling of mid-century design to the right of the entrance to the cul-de-sac. Within the curtilage at the front of the appeal property is a small garage with flat roof. The adjacent dwelling is No. 2 Back Lane, a stone-built property, circa 200 years old with a Collyweston style roof. Its rear elevation abuts the shared boundary. The appeal site is at an elevated level compared to No. 2. As existing, the appeal dwelling already takes up a significant proportion of its plot in comparison to other dwellings in the cul-de-sac. There is limited space between it and the rear elevation of No. 2.
7. The appeal property is much smaller in scale and plot size than the other mid-century properties. This, together with its position adjacent to No. 2 means that the proposal is not comparable with the extensions to the larger mid-century properties within the cul-de-sac.
8. The appeal proposal would introduce a two-storey side extension adjacent to No. 2. Whilst it would be set back from the front elevation of the appeal dwelling, it would not be set down from the existing ridge height and its width of approximately 6.4 metres would create a disproportionate level of built form within the very modest plot size. This would be harmful to the character and appearance of the host dwelling and appear incongruous in the street scene.
9. The proposal would significantly reduce the gap between it and No. 2. No. 2 can presently be viewed from Back Lane and Manor Close and is clearly separated from the mid-century style dwellings of the cul-de-sac. With its Collyweston roof form, traditional stone materials and smaller scale, No. 2 stands alone and contributes positively to the street scene and character of the area. Reducing the gap between the appeal proposal and No. 2 would adversely impact upon the way in which No. 2 is presently seen within the street scene and would therefore cause harm to the character and appearance of the area.
10. For the above reasons I therefore find that the appeal proposal causes harm to the character and appearance of the host dwelling and the surrounding area.
11. Consequently, the appeal proposal would conflict with Policy CS19 of the Rutland Core Strategy (2011) (RCS), and Policy SP15 of the Rutland Site Allocations and Policies Development Plan Document (2014) (DPD), which require development to be of good design, that contributes positively to local distinctiveness, and is appropriate and sympathetic to its setting in terms of scale, height and appearance and its relationship to adjoining buildings.
12. The appeal proposal also fails to comply with the Rutland Supplementary Planning Document – Extensions to dwellings (2015) (SPD15) and the Rutland Supplementary Planning Document – Design Guide (2022) (SPD22) which require that the roof height of an extension be lower than that of the existing dwelling, the plot should not be over-developed, important gaps should be maintained and extensions should respect their wider surroundings and the scale and character of existing dwellings.

13. Paragraph 139 of the National Planning Policy Framework (the Framework) is also engaged and states that development that is not well designed, especially where it fails to reflect local design policies should be refused.

Living Conditions at No. 2

14. At the site visit I observed that the orientation, proximity and higher ground level of the extension to the rear elevation of No. 2 would result in a poor relationship with the only two, small windows on that elevation. Although the windows do not serve main habitable rooms, they are the only source of natural light to the rear elevation. Due to the proximity, bulk, height and higher ground level, the extension would considerably reduce the level of sunlight and daylight to these windows, notwithstanding the boundary fence at ground floor level. My attention has been drawn to photographs and floor plans showing the main habitable rooms of No. 2 are served by windows providing daylight and sunlight at ground floor level from the other elevation. However, I find that having no natural light to the landing of No. 2 at first floor would have an oppressive impact and therefore the proposal would cause harm to the living conditions of the occupants of No. 2.
15. I therefore find that the appeal proposal causes harm to the living conditions of the neighbouring occupiers particularly in relation to loss of natural light.
16. Consequently, the appeal proposal conflicts with Policy CS19 of the RCS and Policy SP15 of the DPD that require development to be appropriate in its relationship to adjoining dwellings and not to cause unacceptable effects by reason of visual intrusion, shading or loss of light. It is also in conflict with SPD15 and SPD22 that require development to be sited to avoid undue loss of daylight and sunlight to the windows of neighbouring property.
17. Paragraph 135(f) of the Framework is also engaged. It requires development to create places which promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

18. Although the proposal would provide additional living accommodation for the occupants, the desire to increase living space should not be at the expense of good design. My attention has also been drawn to other benefits including thermal efficiency, increase in council tax receipt and employment for local builders, however these do not justify the identified harms caused by the proposal.
19. An Interested Party raised concern about the impact on access to maintain the neighbouring property. This is a private law matter between those parties and not within the scope of this planning appeal decision.

Conclusion

20. I conclude that the proposal conflicts with the development plan as a whole and there are no material considerations including the Framework that indicate otherwise. The appeal should be dismissed.

A Hartley

INSPECTOR