



Appeal Decision

Site visit made on 22 August 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/E3335/D/24/3345816

Lanacre, Millbourne Road, Cheddar, Somerset BS27 3NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Malcom and Odette Lukins and Brown against the decision of Somerset Council.
 - The application Ref 17/24/00001, dated 25 January 2024
 - The development proposed is the proposed erection of a first floor extension to a single storey dwelling with insertion of rooflight and alterations to fenestrations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issues

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2, setting out permitted development rights for development consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys, or for one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
4. Development is permitted under Class AA subject to various limitations and conditions. Paragraph AA.1 (a) to (k) sets out a number of limitations with which a proposal must comply to fall within the scope of the development permitted by the Class. There is no dispute that the proposal would comply with these limitations. In addition to those limitations, paragraph AA.2 details a number of conditions that must be met.
5. All development is subject to a requirement that details are submitted for prior approval in relation to the matters set out in paragraph AA.2 (3)(a)(i) to (iv). In this instance, the Council considers that the proposal fails to accord with two conditions in the above paragraph of Class AA. Firstly, it considers the proposal would result in an unacceptable impact on living conditions of the adjoining occupants, with specific regard to outlook, privacy and light, such that it would

fail to comply with condition 3(a)(i). Secondly, that it would not comply with condition 3(a)(ii)(aa) and (bb) in so far as it would be harmful to the character and appearance of the area.

6. In view of the above, the main issues are whether prior approval should be granted having regard to:
 - a) the living conditions of neighbouring occupiers, with specific regard to outlook, privacy and light; and
 - b) the character and appearance of the area.

Reasons for the Recommendation

Living conditions

7. Millbourne Road is relatively wide in comparison to the respective heights of the bungalows along the road. The appeal site is situated on a corner plot, and the proposal would introduce windows on the front and rear elevations at first floor level. While there would be limited potential for overlooking from the rear elevation owing to the angle of the houses on Froglands Way, the increased height of the host would increase the feeling of being overlooked for the occupants of Weltevreden and Witzend, the bungalows opposite Lanacre. The sense of privacy experienced by these bungalows opposite the appeal site would be eroded through the construction of an additional storey, albeit to a limited extent due to the public nature of the street.
8. Westwood, adjacent to the appeal site, would experience substantial overlooking from the rear facing windows of the proposal. Although partially oblique, views would be possible into large areas of the rear garden, including the patio area to the rear of the neighbouring dwelling. It is recognised that this relationship is commonly found in housing estates of two- storey properties, but this would be a markedly different relationship to that currently enjoyed by the neighbouring occupiers. The appellant has suggested that a dormer extension could be constructed under Class B of the Order. However, I have not been provided with evidence to suggest that this could be achieved, nor have I been provided with plans comparing the potential impacts in relation to its effect on the living conditions of neighbouring occupants. I therefore give this potential fallback position limited weight in the context of determining this appeal.
9. The low height of the dwellings in this area contributes positively to the sense of openness, however owing to the spacing of the properties, it would be unlikely that the construction of a further storey would significantly impact the outlook for the bungalows opposite or Westward Froglands Way to the rear curves up a slight hill, therefore it is also unlikely that the proposal would effect the outlook for occupants of these properties.
10. The appellant has provided a model showing the sunlight path and resultant shadowing that would be caused by the additional storey on Westward. It is clear from this that although there would be a small degree of additional overshadowing in both the summer and winter, it would not be considerably more than the existing situation. As a result, it is unlikely that the proposal would cause a material reduction of sunlight or daylight to the occupants of Westward.

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11. Accordingly, while the proposal would not harm the living conditions of neighbouring occupiers in respect of outlook and light, it would have an unacceptable impact on the privacy of neighbouring occupiers. As a result, the proposal would fail to comply with paragraph AA.2, condition 3(a)(i) of Class AA of the Order.

Character and Appearance

12. The appeal dwelling, Longacre, is a bungalow that stands within a relatively spacious plot. This corner plot has a pleasant openness which the proportions of the surrounding bungalows and width of the road contributes to significantly. Although they are not all the same height or design and have been altered over the years, they share similar low-level proportions which creates a spacious character. Some local bungalows have tall ridges that are comparable in height to the proposal, however these roofs are recessed from the street and are therefore subdued in the streetscene. There are two storey buildings to the side and rear of the proposal, however these are situated around the 'edge' of the estate, creating a taller perimeter around the bungalows in the middle of the development. As a result, the appeal site makes a positive contribution to the character and appearance of the area.
13. While the materials would be consistent with the existing bungalow and others on the street, the increase in height and mass of the proposal would create a stark and tall frontage on this prominent corner plot. Its design would emphasise the height of proposal, creating a visually discordant building on the corner of Millbourne Road. This harmful effect would also be carried around to the rear of the property, that when viewed from Froglands Way would also be an anomalous addition within the street scene.
14. Overall, the design and architectural features of the proposal would not contribute positively to the character and appearance of the area and would create a building that would not sit harmoniously within the low-level bungalows which are the most common feature of Millbourne Road. As such, the proposal would fail to comply with paragraph AA.2, conditions 3(a)(ii)(aa) and (bb) of Class AA of the Order.

Other Matters

15. There are other examples of extensions at Witzend and Camlann, both on Millbourne Road. These differ significantly from the proposal, in that they would extend the side of the property, retaining the single storey appearance of the road. They would also have a lesser impact on privacy than the appeal proposal, as they would be single storey, rather than two-storey.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR