

Appeal Decision

Site visit made on 24 September 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2024

Appeal Ref: APP/A1530/D/24/3337380

7 Roosevelt Way, Colchester, Essex CO2 8SX

- 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Thaddeus Onomor against the decision of Colchester City Council.
 - The application Ref is 232374.
 - The development proposed is described as proposed single storey rear extension.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the proposed single storey rear extension at 7 Roosevelt Way, Colchester, Essex CO2 8SX in accordance with the application 232374, and the details submitted with it including drawing numbers 07/RW P-02, 40/MW P-03, 07/RW P-04, 07/RW P-05 and 07/RW P-07, pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4(2).

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description of development as contained in the application form for the purposes of the heading and paragraph 1 of my Decision above.
3. The provisions of the GPDO as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) requires the Local Planning Authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The principle of the development is established by the 2015 Order. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development

plan in so far as they are material to the matters for which prior approval is sought.

Main Issues

5. The main issues are the effect of the proposal on the living conditions of the adjoining residents with specific regard to light, outlook and privacy.

Reasons

6. The appeal site comprises a two-storey semi-detached property located on the northern side of Roosevelt Way in Colchester. The surrounding area has a residential suburban feel, with a regular rhythm and design to the facades of the properties in the locality. However, there are a significant number of side and rear extensions along with various outbuildings on neighbouring properties in the vicinity. As such, there is a varied character with differences in the design of extensions at the rear with a noticeable lack of coherence or symmetry.
7. The proposed single storey extension would project approximately 6.00m from the main rear wall and across the majority of the width of the house with a flat roof. The properties most effected by the proposal are Nos 6 and 8 Roosevelt Way adjoining the proposal. The property at No 8 has two windows at the ground floor level at the rear of the site. I have not been presented with details in respect to whether these windows serve habitable rooms and as such I have adopted a precautionary approach.
8. I have not been provided with any daylight/sunlight report nor any assessment in accordance with the British Research Establishment (BRE) tests on light. However, given the orientation of the properties, the course of the sun, and therefore the direction of shadowing, the proposal would not restrict significant light entering into any potential habitable rooms on the ground floor at the rear of No 8. Even without more detailed BRE tests, I am satisfied that the proposal would maintain a reasonable relationship with this adjacent property and not lead to excessive loss of daylight and sunlight.
9. It is acknowledged that the appeal proposal would increase the extent of the built form closest to the party boundary. I noted on site that the ground level slopes down and away from the rear of the property, where the proposal is to be located. However, the proposed flat roof design means that overall, the appeal proposal's height, scale and bulk would not be of a level which would give rise to any significant overbearing effect despite the change in topography. Whilst the glazed openings at No. 8 have direct views over the garden, in respect to outlook the proposal would not create an undue sense of enclosure relative to these rear openings or the garden area.
10. In terms of privacy, the scheme would not provide any additional windows or openings in either flank elevation. The openings at the rear of the proposal would provide views of the garden at the rear and would create no issues of additional overlooking or loss of privacy for these neighbours, over and above those currently experienced. As such the proposal would not unduly harm No 8's enjoyment of their property due to an unacceptable increase in loss of privacy.

11. With regard to No 6 the orientation of the property turns away from the proposal. Given the closest rear openings to the appeal site which potentially serve habitable rooms have direct views over their own garden areas rather than towards the proposed extension, it is not considered that the proposal would be overbearing to this neighbour. Furthermore, given the existing orientation of the buildings, the proposal would not give rise to any significant loss of light through overshadowing, nor loss of privacy to this property.
12. Based on the individual circumstances of the scheme, the proposed development would not unacceptably harm the living conditions of the occupiers of the adjoining premises. As a result, the proposed development would comply with the provisions of Schedule 2, Part 1, Class A, paragraph A.4(7) of the GPDO.

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the external materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the Local Planning Authority. No further conditions are necessary.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and prior approval should be granted.

Robert Naylor

INSPECTOR