



Appeal Decision

Site visit made on 29 October 2024

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/D0121/D/24/3349865

7 Sidcot Lane, Winscombe, North Somerset BS25 1LA

- 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 Mr L Phillips against the decision of North Somerset Council.
 - The application Ref is 24/P/0061/FUH.
 - The development is 'proposed erection of a two-storey side extension with integral canopy carport, a single storey rear extension and a front porch extension. Erection of a detached Garage to the front of the dwelling with associated hardstanding/landscaping alterations.'
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development description that appears in the banner above is taken from North Somerset Council's (the Council) decision notice. I have employed this description, as it is more comprehensive than the shorter description that appeared on the planning application form.

Main Issues

3. The main issues are (i) the effect of the proposed side extension on the living conditions of occupiers at the neighbouring property, No 9 Sidcot Lane, and (ii) the effect of the proposed detached garage on the character and appearance of the area.

Reasons

Living conditions – No 9 Sidcot Lane

4. The appeal property is a traditional style semi-detached house located on the north side of Sidcot Lane, within the village settlement of Winscombe. It has painted rendered walls and a tiled pitched and hipped roof. It is set back from the road behind a stone built roadside wall and front garden area which includes a lawn, hard surfacing and a driveway which runs along the eastern margin of the site and to the side of the house, beyond which are some shed structures.
5. The appeal proposal seeks to add a single storey extension to the rear of the house and a 2-storey extension to the side of the house, along with a front

- porch and a detached garage in the front garden. Under this main issue, it is the 2-storey side extension element that requires assessment.
6. The side extension would fill most of the gap between the existing side wall and the property boundary with the neighbouring property, No 9 Sidcot Lane (Forge Cottage), to the east; there is a hedge along this boundary. The extension would include an inset to take account of the rearwards taper of the boundary line. Internally, it would accommodate a car port and utility room at ground floor level, with the first floor providing a bedroom with an en-suite and dressing room area.
 7. No 9 is an older style 2-storey detached cottage, which is set well back on its plot, such that its front elevation is just behind the line of the rear elevation of the appeal property. The cottage is sited adjacent to the appeal site boundary. This means that the bulk of the 2-storey extension will be in very close proximity to the front elevation of the cottage, and to its closest habitable room windows, which include a snug at ground floor and a bedroom above; these windows are inset a short distance from the corner of the cottage.
 8. It is clear that the design of the proposed extension seeks to limit certain impacts on the neighbouring property, by avoiding any overlooking windows and employing a roof form which is well below the existing roof ridge level on the main house. However, the bulk of the first-floor elements and roof, being next to the property boundary, and in very close proximity to habitable room windows at No 9, would be overbearing and oppressive, and would result in a poor outlook from the neighbouring property's windows.
 9. With specific regard to the effects of the extension on sunlight, shadowing, and daylight reaching the neighbouring property's windows and rooms, I have noted the main parties disputed and differing views and assessments based on the use of an online sunlight modelling tool. I have also noted that neither party has submitted any technical evidence concerning daylight impacts. I have further noted a number of other cases and appeal decisions cited by the appellant and the Council, and whilst I have read and considered these submissions, the precise circumstances in each case are different.
 10. Using the appellant's assessment of sunlight impacts indicates that the extension would result in 35 minutes daily loss of available sunlight in the modelled mid-winter and mid-summer tested scenarios. This is a product of the bulk of the proposed 2-storey addition being to the south-west of the neighbouring property's windows.
 11. Whether or not that degree of sunlight loss is significant is a matter of planning judgement. Whilst noting the appellant's submissions that this would amount to a relatively low percentage loss of daily sunlight hours, it would certainly be noticeable. When combined with the overbearing impact I have assessed above, I consider the effects on the living conditions at No 9 would be significant and adverse. As well as being overbearing and resulting in a poor outlook from the windows within No 9, it would make those rooms less sunny, less bright, and less pleasant to use for occupiers. I am mindful of the existing hedgerow, which will have a shadowing effect on No 9's ground floor window at certain times of day, but this is a neutral consideration, as the hedge may not always be there, and I must assess the planning impacts based on the facts before me.

12. On the first main issue, I conclude that the proposal would be harmful to the living conditions of occupiers of the neighbouring property. This means that it conflicts with policies DM32 and DM38 of the North Somerset Development Management Policies Plan (Part 1) (adopted July 2016) which, amongst other matters, require developments to not compromise the living conditions of neighbouring properties, including by virtue of any overbearing impact. The proposal also conflicts with the guidance set out in the North Somerset Residential Design Guide Supplementary Planning Document (adopted January 2013) which, similarly, requires extensions to avoid significant harm to the living conditions of neighbouring properties.

Character and appearance

13. The appeal scheme also involves a proposed double garage, which would be sited in the front garden and close to the roadside boundary wall. The appellant's Statement correctly highlights the varied building line and variety of building styles, ages, and plot configurations, along this stretch of Sidcot Lane. This does include a single storey shop premises sited close to the footway to the west of the site, and, to the east, a 1960s telephone exchange, and a cottage with a flat roofed garage built against the pavement.
14. However, of greater relevance in my assessment is that the more localised length of street comprising Nos 5, 7, 9 and 11, whilst varied in building styles and plot configurations, does have a common characteristic of setbacks behind front gardens, which do not contain any notable structures. This contributes to the open character and appearance of this part of the streetscene. The proposed garage would be quite large and would have a footprint not much smaller than the original modest semi-detached host dwelling. It would fill a notable and prominent part of the currently open front garden. Although it would be set down at a slightly lower level than the street, its large size and pitched roof would be quite visible in the streetscene and, in my assessment, it would appear out of character and incongruent.
15. I have noted another appeal decision¹ cited by the Council, and the counter submissions made by the appellant, including the subsequent approval of a revised garage proposal in front of a host dwelling. However, the circumstances of that case are different and, from the limited information before me, appeared to relate to a location where garaging positioned forward of dwellings was a local character feature, which is different to this appeal case.
16. On this main issue, I conclude that the proposed garage would be harmful to the character and appearance of the area. This conflicts with policy CS12 of the North Somerset Council Core Strategy (adopted January 2017), and policies DM32 and DM38 of the North Somerset Development Management Policies Plan (Part 1), which, amongst other matters, require developments to achieve high quality designs that respect local character and do not harm the streetscene

Conclusion

17. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR

¹ APP/D0121/D/20/3257195