



Appeal Decision

Site visit made on 10 December 2024 by M Long BA(Hons) MSc MRTPI

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/E3335/D/24/3354696

4 Mendip View, Highbury Street, Coleford, Frome, Somerset BA3 5TH

- 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 Ms C Benson against the decision of Somerset Council.
 - The application Ref is 2024/1278/HSE.
 - The development proposed is a single storey rear extension.
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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

3. The decision notice does not identify which neighbouring property the Council considers would be affected. However, within the officer report the Council's concerns relate to the effect of the proposal on occupiers at 5 Mendip View. I have identified the main issue accordingly.
4. The Council requested that the site visit includes observations made from inside 5 Mendip View (No 5) and its garden. A site visit was arranged to enter this neighbouring property, however I was unable to gain access on the day. Nevertheless, I am satisfied that I was able to see the full impact of the proposal, and understand its effects, from the rear garden of the appeal dwelling.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers of No 5 with particular regard to outlook, sunlight and daylight.

Reasons for the Recommendation

6. The appeal dwelling and its attached neighbour, No 5, form part of the same terrace and both sit within narrow plots. At No 5 there is a single-storey rear extension with a pitched roof that is set away from the tall, shared boundary with the site. There is also a ground floor window to the rear elevation of the main house, in the narrow space between its rear extension and shared boundary, which serves its kitchen/dining room.

7. Views from the ground floor window at No 5 are already somewhat channelled by the close proximity of its own extension and the shared boundary. However, this is alleviated by the pitched roof of the extension, which slopes up and away from the window, and possible views over the shared boundary which retain an open aspect. Even with the proposed short set back from the shared boundary, the significant height and depth of the proposal would form a large mass that would enclose views from this window. This, in combination with the existing extension at No 5, would result in a tunnelling effect to the rear window that would be detrimental to the quality of outlook available to the room it serves.
8. This window at No 5 is north-facing, and so direct sunlight is not likely to be at optimum levels. However, there is nothing within the submitted evidence to suggest that it does not receive reasonable levels of daylight. For the same reasons as set out above, the proximity and scale of the proposal, combined with the existing rear projection at No 5, would have notable overshadowing effects on this window that would reduce its levels of available daylight. Although, daylight levels received into the kitchen are hampered by the existing extension at No 5, the proposal would be likely to materially exacerbate this effect. There is no detailed evidence before me to demonstrate there would not be a harmful loss of daylight.
9. I acknowledge that the extension at No 5 is closer to their ground floor rear window than the proposal would be, and that there are larger rear extensions in the wider area. Nevertheless, I must consider the effect of the proposal on the specific site context, which includes its combined effect with this neighbouring extension and, on this basis, I have identified significant harm.
10. Even if a two-metre boundary treatment would be permitted development, the proposed height of the extension is significantly taller. Although a single-storey extension of a slightly lower height could be erected closer to the boundary with No 5 than what has been proposed, it is the combination of the proposal's depth as well as its height that would result in harm, and the dimensions proposed have not been demonstrated as possible under permitted development rights. I therefore do not consider that a permitted development scheme presents a fall-back position that would be more harmful than the proposal.
11. There is a side window to the extension at No 5, which has been described as serving a utility room. As it already has a low quality of outlook from facing towards the existing tall, shared boundary and serves a non-habitable room, any reduction in outlook, daylight or sunlight associated with the proposal would not result in unacceptable harm to living conditions. While there would be some enclosing effects to the narrow outdoor walkway between the extension at No 5 and shared boundary with the site, this area primarily provides a passage to the main garden and so this would not amount to undue harm to living conditions.
12. I conclude that the proposal would result in a harmful effect on the living conditions of occupiers at 5 Mendip View with particular regard to outlook and daylight. It would be contrary to the Mendip District Local Plan Part I: Strategy and Policies (2014) specifically Policy DP7 (Design and Amenity of New Development) which seeks to ensure proposals protect the amenity of users of neighbouring buildings and the more specific requirements of Policy DP8

(Environmental Protection) which seeks to ensure there are no unacceptable adverse environmental impacts on residential amenity. The proposal would not meet the high standard of amenity requirements set out in the National Planning Policy Framework.

13. There would be conflict with the Mendip District Council Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 Supplementary Planning Document 2022 which seeks to ensure the amenity of current and new occupiers is protected.

Other Matters

14. The proposal would increase the quality of living accommodation at the appeal property, in particular it would provide a larger kitchen with improved facilities. Nevertheless, this is a private benefit to a single household and does not justify the harm identified to the living conditions of neighbouring occupiers.

Conclusion and Recommendation

15. The proposal would be contrary to the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

B Plenty

INSPECTOR