



Appeal Decision

Site visit made on 20 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal Ref: APP/E3335/D/25/3358887

9 Portman Crescent, North Petherton, BRIDGWATER TA6 6SW

- 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 Ross Moreau against the decision of Somerset Council.
 - The application Ref is 37/24/00091.
 - The development proposed is the 'Erection of two storey side extension, single storey rear extension, porch and replacement garage to front'.
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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 the planning application form. I note that Somerset Council's (the Council) decision notice employs a somewhat different description, but I am satisfied that the description contained in the form is clear and accurate.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of No 76 Portman Road, with particular regard to its physical impact.

Reasons

4. The appeal property is a 2-storey semi-detached house situated within a row of properties, set back behind modest front gardens, on the south-east side of the road, in a mature suburban location. The house is of a traditional design, with brick walls and a gable pitched roof. To the side and front of the house, there is a large flat roofed double garage; this is physically attached to the house, projects several metres forward into the front garden area, and extends up to the boundary with its neighbour, No 76 Portman Road. Behind the garage there is a conservatory structure in a poor condition, which is set a short distance in from the property boundary.
5. The appeal proposal would extend the house to the side and rear. At the side of the house, a 2-storey extension is proposed which would include a bathroom and playroom area at ground floor level and 2 bedrooms on the first floor. The first-floor element of the extension would have its front and rear wall set in a short distance from those of the main house and would have a gabled roof form; its side elevation would be set in from the fence boundary by a distance of about 1 metre.

6. A single storey element would wrap around the rear of the house to provide a lounge. Also included on the scheme drawings are a small front porch addition and some alterations to the garage. The merits of these elements are uncontested in this appeal.
7. The Council's refusal reason relates to the effect of the 2-storey element of the proposal on its neighbour, No 76, to the north-east. This is a 2-storey end of link property, which has a single storey extension to the rear. The gable wall of the main house is set a short distance in from the boundary with the appeal property; this side wall contains a number of windows, including a ground floor kitchen window which directly faces the boundary fence. There is also a window in the side wall of No 76's rear extension, which serves an internal space that is used as a combined bedroom and home working office; that space is also lit by larger openings in the rear of the extension, which face its rear garden.
8. The appellant submits that the neighbouring property's kitchen window is already compromised by a poor outlook, and that the appeal proposal will provide benefits in being set off the boundary. He also states that the neighbour supports the proposal, and will benefit from a new 2 metre high brick wall, although I note that this is not shown on the submitted plans.
9. On my site inspection, I noted that the side window is the only window serving the kitchen, which includes a dining table, and can reasonably be regarded as a habitable room for planning purposes. I agree with the appellant that the existing viewed outlook, facing a fence a short distance away, is compromised. However, on my inspection, I was able to glimpse blue sky through the window when I stood inside the kitchen and I assessed that, whilst being side facing, the window would receive some direct sunlight during parts of the day.
10. The Council's refusal reason is not specifically premised on outlook, but upon the extension's alleged overbearing impact. In this regard, the 2-storey bulk and height of the gabled extension would be in very close proximity to the kitchen window, and this physical impact would be conspicuous and imposing. In my assessment, the appeal proposal would also reduce daylight and sunlight (from the south and south-west) entering the kitchen.
11. These effects are exacerbated by the fact that there is a difference in levels between the 2 properties, No 76 sitting somewhat lower than the appeal property. Overall, the appeal proposal would result in an overbearing impact, as it would create a sense of enclosure that would be oppressive, gloomy, and less pleasant for occupiers using the kitchen at No 76.
12. I am mindful that the appellant states that the current occupier of No 76 does not object to the proposal, but I have no written submissions from the neighbour before me to confirm this. In any event, this would be a neutral consideration, as future occupiers may change, and I must exercise my planning judgement on the facts before me, and the physical relationship between the existing and proposed buildings, which I observed on my site inspection.
13. I conclude that the appeal proposal would be overbearing and harmful to the living conditions of the occupants of No 76 Portman Road. This conflicts with policies DS2 and DS25 of the Sedgemoor Local Plan (adopted February 2019) which, amongst other matters, require new developments to achieve high quality designs

that respect the amenity value of the occupiers of nearby buildings, and avoid overbearing effects and loss of daylight and sunlight.

14. For the above reasons, the appeal is dismissed.

P. Staddon

INSPECTOR