



Appeal Decision

Site visit made on 4 February 2025 by A Conteh

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/E3335/D/24/3355076

138 Wembdon Hill, Wembdon, Bridgwater, Somerset TA6 7QB

- 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 & Mrs A & L Clapp against the decision of Somerset Council.
 - The application Ref is 51/24/00011.
 - The development proposed is erection of 2 storey extension to north (rear) elevation.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 storey extension to north (rear) elevation at 138 Wembdon Hill, Bridgwater, Somerset, TA6 7QB in accordance with the terms of the application, Ref 51/24/00011, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos DR-A-080-001 and DR-A-080-003.
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) The ground floor east facing window of the extension hereby permitted shall be installed with obscure glazing in accordance with details that have first been submitted to and approved in writing by the local planning authority, and shall be fixed shut so that no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall thereafter be retained in that form.

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.

Main Issue

3. The effect of the proposed development on the living conditions of the occupants of 136 Wembdon Hill, with respect to outlook, sunlight and privacy.

Reasons for the Recommendation

4. The rear of 136 Wembdon Hill comprises a lengthy garden, sloping significantly downwards away from the dwelling. The property has a modest-sized single-storey extension set away from the boundary with the appeal site, wrapped around by a significantly elevated area of decking which I saw contained seating, barbecue facilities and plants.

5. From the rear windows of No 136 and the decking, the slope of the land allows for an expansive outlook over the surrounding countryside, with only limited enclosure from side boundary fences and the existing extension. The windows in the side of the main house have a limited outlook towards the side wall of No 138. The area between the extension and the boundary is currently largely open and unenclosed, with a walkway which wraps around the side of the property, allowing for a moderate amount of space before the shared boundary and giving the glazed side doors a relatively open outlook towards No 138.
6. The two-storey part of the proposed development would project to a similar depth as the existing rear extension at No 136, with the small ground floor canopy projecting slightly further. It would therefore be clearly visible from the nearest rear windows of No 136 at both ground and first floor level, and from the facing side windows.
7. The area located immediately outside of the glazed rear and side doors of No 136 would therefore feel more enclosed than at present. However, the set-in nature of the appeal development from the boundary and the proposed hipped roof design would help to reduce its visual impact, so that it would not appear visually dominant from No 136. Furthermore, the open outlook to the rear, including from the large section of decking beyond the extension, would remain largely unaffected. There would be a reduction in the outlook from the side windows in the main part of No 136, but given how restricted the outlook already is from these rooms, this would not have a significant adverse impact on the occupants' living conditions. Therefore, the proposal would not appear unduly overbearing and would not unacceptably impact the living conditions of the occupants of No 136 in terms of outlook.
8. The orientation of the properties means that the decking of No 136 receives sun in the early morning and late afternoon and evening. For the rest of the day the dwellings will shade the rear elevation and decking. The proposed development would result in additional shading to a small area of the deck, the rear bay window and the glazed side doors of the rear extension in the late afternoon, but only for a short period compared to the existing situation. Therefore, the resulting reduction in sunlight would be limited, and the affected rooms would still benefit from sunlight for other parts of the day. Consequently, while I understand any reduction in light may be less than ideal for the occupants of No 136, the proposal would not cause an unacceptable impact through overshadowing.
9. The proposed rear extension would include a window on the ground floor facing No 136. I observed on site that the height of the existing hedge and shared timber fencing boundary would not be sufficient to prevent overlooking from that window and a consequent significant loss of privacy. However, this can be addressed through a condition which would mitigate the harm identified. Therefore, the proposed development would not result in unacceptable impact on the living conditions of the occupiers of No 136 with regard to privacy.
10. The proposal would therefore not result in an unacceptable impact on the living conditions of the occupiers of No 136 with regard to outlook, sunlight or privacy. It therefore complies with Policy D2 and Policy D25 of the Sedgemoor Local Plan 2011-2032 - Adoption Version (2019) insofar as they require developments to demonstrate a respect for the amenity value of occupiers of nearby buildings and

seek to protect occupants from unacceptable impacts relating to overbearing and visual dominance, loss of sunlight and privacy.

Other Matters

11. I note the neighbour's concerns regarding the accuracy of the submitted plans, however I saw all existing windows and other features of Nos 138 and 136 at my site visit and have taken these into account when making my recommendation.
12. While most other rear extensions in the area are only single storey, this does not prevent a two-storey extension being acceptable. The proposal would have a limited visual impact, being seen only from immediate neighbours, and its form and materials are subservient and sympathetic to the main dwelling. While it would be a significant increase to the footprint of the dwelling, it is set within a large plot, so would not result in overdevelopment of the site. Therefore, the proposal would not harm the character and appearance of the area.
13. Concerns have been raised regarding the use of a detached outbuilding on the appeal site. That is not part of the appeal proposal, therefore it is not within my remit when determining this appeal.

Conditions

14. I recommend conditions relating to the time limit on commencement and development being carried out in accordance with the submitted plans as these are necessary in the interest of certainty. Use of matching materials is necessary to ensure the appeal development will contribute positively to the character of the existing built form, however as the approved plans state that materials will match, a separate condition is not needed.
15. A condition requiring the windows on the east elevation to be fitted with obscured glazing is also necessary to safeguard the privacy of the occupants of No 136. I have however amended the Council's suggested wording to ensure it is reasonable and enforceable, given that the proposal is to extend an already occupied dwelling.

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 allowed subject to conditions.

A Conteh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR