The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2017

by A J Mageean BA (Hons) BPl PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th March 2017

Appeal Ref: APP/B3438/D/16/3162698
20 Folly Lane, Cheddleton ST13 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr & Mrs S Smith against the decision of Staffordshire Moorlands District Council.
- The application Ref HNT/2016/0030, dated 29 July 2016, was refused by notice dated 13 September 2016.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 20 Folly Lane, Cheddleton ST13 7DA in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Application for costs

2. An application for costs was made by Mr & Mrs S Smith against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Whilst the application form and refusal notice indicate that the proposed extension would extend 5.95m beyond the rear wall of the original dwelling, the parties have clarified that this measurement would in fact be 5.1m. I have considered the appeal on this basis.

Reasons

4. The appeal property is a semi-detached dwelling within a row of similar properties, most of which appear to have single storey flat roofed additions on their rear elevations, adjacent to side driveways. The proposed development would remove the existing flat roofed addition and replace it with a full width single storey rear extension. The parties state that this would project for an initial 2.9m from the part of the rear elevation which lies adjacent to the

shared boundary of the adjoining property at No 22. It would then be stepped in before projecting a further 2.2m to 5.1m adjacent to the side driveway.

5. The General Permitted Development Order (GPDO) requires the local planning authority to assess such 'larger home extensions' solely on the basis of their impact on the amenity of any adjoining properties. Account should be taken of any representations made but Paragraph A.4(9) establishes that the amenity of all adjoining premises should be considered and not just those which are the subject of representations. As the prior approval process has been triggered I shall therefore have regard to the effect on No 22 and No 18 Folly Lane.

6. The Council argues that the proposed extension would breach a horizontal 45 degree line from the rear ground floor window of No 22, which would be contrary to the SPD.[1] However, it is also clear from the evidence submitted by the appellant that an extension of 3m, which would be allowed under permitted development rights, would also partially breach this standard.

7. The purpose of the 45 degree test, as set out in the SPD, is to ensure that any obstruction to daylight is not unreasonable. In this respect given the south west orientation of the rear of these properties, and the position of No 20 to the north west of No 22, the impact of the proposal on the sunlight and daylight reaching the rear of No 22 would not be significant.

8. The additional stepped 2.2m extension has clearly been designed to address concerns arising from an earlier refusal relating to this site, in which a 5.9m full width extension was deemed unacceptable in terms of its impact on the occupiers of No 22.[2] The stepping away from this property would result in the closest point of both the 5.1m extent and the 2.9m element being similarly visible when viewed from the mid-point of the main ground floor window of No 22, though the appellant accepts that there would be greater visibility of this extension when viewed from the far corner of this window. However, overall the stepping of the extension would mean that it would not be unduly intrusive in terms of either outlook or daylight for the occupiers of No 22.

9. No 18 has a side driveway located adjacent to the driveway belonging to No 22, with a dwarf wall separating the two. The proposed extension would project around a further 2.3m beyond the existing rear addition to the appeal property. This would be visible from the ground floor window on the main two storey side elevation of No 18. However, the presence of the existing single storey rear addition to the appeal dwelling is already a visible element of the outlook from this window. The distance between these properties means that neither the present single storey element, nor the additional length proposed, would have a significant impact on light reaching this window. More specifically, the SPD guidance in relation to extensions which face the principal windows of existing properties is that they should be designed so that there is no obstruction to daylight beyond a vertical angle of 25 degrees measured from the mid-point of the nearest window. Drawing No 00392-AL(0)05 illustrates that this angle would not be breached.

[1] *Space about Dwellings* Adopted Supplementary Planning Document (the SPD)
[2] HNT/2016/0021

10. I note the other concerns raised by the neighbouring occupant relating to drains and sewage but these are not matters that fall to be considered under the provisions of the GPDO.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and approval granted.

12. In granting approval the appellant should note that the GPDO requires at Paragraphs A.4 (13), (14) and (15), that the development shall be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development and the date of completion.

AJ Mageean

INSPECTOR