APPEAL STATEMENT – SMD/2017/0180

Proposal: **Proposed 2 storey side extension and single storey rear extension along with the replacement of the existing conservatory roof with concrete tiled lean-to.**
Appellant: **Mrs Marion Brindley**
Address: **6 Caverswall Old Road, Forsbrook, Stoke on Trent, ST11 9BL**
Date: **20th September 2017**
Decision: **30th June 2017**

1. Introduction

1.1. This appeal is submitted against the decision of Staffordshire Moorlands district council to refuse planning permission for a proposed 2 storey side extension and single storey rear extension along with the replacement of the existing conservatory roof with a concrete tiled lean-to.

2. The Appeal Proposal

2.1. The proposed development involves extensions and alterations to a semi-detached property at 6 caverwall Road, Forsbrook, Stoke on Trent. The extension would also incorporate the conversion of the existing attached single garage and the overall proposals would provide a study, utility room, cloaks room, open plan kitchen/dining and sun lounge to the ground floor with an extended master bedroom incorporating and en-suite and an additional bedroom at first floor level.

2.2. The side extension has been designed to be subservient to the existing dwelling with a dormer style construction to the front elevation to reduce any impact on the neighbouring properties. The eaves height at the rear of the building will match the existing, whilst the eaves height to front elevation will be lower than the existing first floor level, the proposed ridge height will be approximately 1m lower than the existing and set back by approximately 1.5m.

2.3. The Proposed extension would follow the line of the existing garage and maintain the existing side access path between the garage and boundary fence. At ground floor level the footprint of the building will only be increased in width by 1145mm from the external kitchen wall.

2.4. Details of the proposed extension are shown on drawing No. COR-02A

3. The site and surroundings

3.1. Caverswall Old Road is wholly residential in character and forms part of the Forsbrook estate. The appeal property is a semi-detached dwelling of attractive appearance which is reflective of the overall character of the estate.

3.2. Many properties on the estate have been extended and altered. A very similar extension to the proposals has previously been approved and built at No.16 Caverswall Old Road (SMD/2003/0959) which is approximately 35m away from the proposed site and no adverse impact on the street scene or the amenity of the neighbouring properties has resulted from this extension. The neighbouring property at No.18 Caverswall Old Road also appears to have a large 2 storey rear extension, although, there is no record of this extension on SMDC's planning application register.

4. The Appellants case

4.1. By Decision dated 30th June 2017, the proposal was refused for the following reason.

"The proposal would have an oppressive and overbearing impact on the ambience and amenity in the rear garden space of the adjacent neighbouring domestic residence at number 2 Caverswall Old Road and for the living space of the rooms served by principal windows in the rear elevation including kitchen, dining room and first floor bedroom. As such the development is found contrary to the Council's adopted Core Strategy policy DC1 and the Supplementary Planning Guidance (SPG) for Space About Dwellings. Specifically the development would infringe the standards set out in the SPG by encroaching beyond lines measured at 45 degrees towards the development from the mid-point of a principal window both in the horizontal and vertical planes in the case of the kitchen window and in the horizontal plane in the case of both the dining room and first floor bedroom window closest to the development. In turn for the same reasons the development contravenes the NPPF in particular paragraph 17 and the Government's core planning principle to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" and Section 7, Requiring Good Design – a key aspect of sustainable development."

4.2. SMDC's decision notice indicates that main reason for refusal is that the development is contrary to the Council's adopted Core Strategy policy DC1 and the Supplementary Planning Guidance (SPG) for Space About Dwellings. Specifically the development would infringe the standards set out in the SPG by encroaching beyond lines measured at 45 degrees towards the development from the mid-point of a principal window. There have been no objections to the proposed development raised by the occupiers/owners of No. 2 Caverswall Old Road.

4.3. It is acknowledged that the proposals would be in the zone of the 45 degree horizontal panes of the principal windows of adjacent property's first floor bedroom, however it is also important to acknowledge that the existing building is also already in this plane with no adverse effects on No.2 Caverswall Old Road. It is our opinion that neither the existing or proposed extension does not or would not appear unacceptably overbearing or dominant on the neighbouring property. In respect to the reference to the ground floor principal windows, it must also be taken into consideration that these rooms would not be adversely affected by the proposal due to the height of the existing retaining walls and boundary fence already present to the North and East Boundaries of No. 2 Caverswall Old Road. Due to the difference in level between the 2 properties, the height of the boundary fence is equal to the height of the first floor windows of No.2 Caverswall Old Road.



View to rear of No.2 Caverswall Old Road

4.4. The scale and size of the first floor extension is in line with what would be expected for a 3 bed semi-detached property of this size. The only first floor window to the South Elevation of the proposed development would be to the en-suite, the glazing is proposed to be obscured glass so there will be no greater risk of overlooking and the privacy of the occupier at No.2 will be protected in this respect.

4.5. The principal of the guidance in relation to the 45 degree line from principal windows is to ensure that properties are designed so that there is no obstruction to daylight. It is our opinion that there will be no further loss of light to the principal windows of No.2 due to orientation of the two properties. As demonstrated on the site block and location plans the proposed extension will be located to the southern side of the proposed site and the boundary fence between the two properties will be located along the northern boundary of No.2 Caverswall Old Road. The natural path of the sun throughout the day will mean that there will be no further loss of light to No.2 created by the proposed extension. In addition, it is worth pointing out that the private garden to No.2 Caverswall Old Road is predominately located towards the southern boundary side of its site and would not be affected by the proposals.

4.6. We would point out that it is an important consideration that views from the rear of the neighbouring property would not be directly channeled towards the proposed extension and would be further obscured by the presence of the high level boundary fence and retaining wall as previously mentioned. The proposed extensions main roof construction will be constantly rising away from the neighbouring property and will not reach a level that matches the eaves level of the existing house until it passes the neighbouring properties rear boundary, the ridge height of the proposed roof will be approximately 1m lower than that of existing house (The ridge line is set back past the line of the neighbouring property rear boundary).

5. Conclusions

5.1. It has been demonstrated that that proposals to which this appeal relates to, would not materially harm the living conditions of the neighbouring occupiers at No. 2 Caverswall Old Road. Therefore, the objective of policy DC1 and the Supplementary Planning Guidance (SPG) for Space About Dwellings is not compromised and it is requested that the appeal is upheld and planning permission granted subject to conditions.