The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 20th December 2017

Appeal Ref: APP/B3438/D/17/3184896
6 Caverswall Old Road, Forsbrook, Stoke-on-Trent ST11 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs M Brindley against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0180, dated 15 March 2017, was refused by notice dated 30 June 2017.
- The development proposed is a 2 storey side extension and single storey rear extension along with the replacement of the existing conservatory roof with concrete tiled lean to.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 2 Caverswall Old Road with particular regard to outlook and light.

Reasons

3. The appeal property comprises a two storey semi-detached dwelling that has an attached single storey side garage positioned close to the property boundary with No 2 Caverswall Old Road. The proposed development would involve the construction of a first floor extension over the existing garage which would comprise of a long roof slope extending from the garage eaves with a ridge height that would be lower than that of the existing dwelling and which would incorporate a front dormer. A replacement extended rear conservatory is also proposed.

4. The adjacent two storey property at No 2 has a side gable that abuts the property boundary with the appeal dwelling with the rear elevation broadly coinciding with the front elevation of the existing garage at No 6. The adjacent property at No 2 is set at a significantly lower ground level than the appeal dwelling. Owing to the difference in ground level, the rear bedroom window of No 2 is approximately commensurate with the height of the boundary fence between the two properties. The level difference also causes the small rear private amenity area at No 2 to be enclosed by high walling and fencing on its northern and eastern boundaries. These features already result in a considerable sense of enclosure for users of the amenity area and compromises outlook and light from the ground floor kitchen window of No 2.

5. The Council's adopted Space About Dwellings Supplementary Planning Guidance (SPG) considers the effects of proposed extensions that would be sited close to the principal windows of existing properties on the daylight received at those windows. It defines principal windows as including those in kitchens and bedrooms. The SPG requires that there should be no development falling beyond a line drawn at 45 degrees in the horizontal plane from the midpoint of the nearest principal window and no development rising above a line drawn at 45 degrees in the vertical plane to the side from the midpoint of the nearest principal window.

6. Due to the proximity of No 2 to the appeal property and the difference in ground level, the Council indicates that these requirements of the SPG are already breached. The proximity of the appeal property to No 2 already compromises outlook and light received at that property and in further conflicting with the requirements of the SPG the proposed development would exacerbate such effects.

7. I recognise that the proposed extensions have been carefully designed in an attempt to minimise the bulk and mass of the structure in the proximity to No 2. I also have some sympathy with the appellant's desire to extend the property utilising a design that in many situations would be acceptable. However, in this case, owing to the proximity of the proposed extensions to the side elevation of No 2 and in particular the ground level difference, the proposal would also result in an unacceptable sense of enclosure from the rear kitchen and bedroom windows of the property and from the rear amenity area from where the proposed extension would appear as an overbearing and dominant feature.

8. The outlook from the rear kitchen and bedroom windows at No 2 would also be further unacceptably compromised by the proximity, scale and mass of the proposed extension which would appear dominant in views. Due to the orientation of No 2 relative to the appeal property, the proposed development would not cause any significant loss of direct sunlight received at the rear of No 2. However, in not meeting the requirements of the SPG the proposal would unacceptably further comprise the amount of daylight received at the rear of No 2.

9. For these reasons, the proposed development would result in an unacceptable sense of enclosure, loss of daylight and cause an overbearing outlook from the rear windows and outdoor amenity area of No 2. These factors would cause significant and unacceptable harm to the living conditions of the occupants of that property. The proposal would therefore conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (2014). This policy, amongst other things, requires that new development should protect residential amenity in terms of satisfactory daylight and outlook.

Conclusion

10. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR