The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2018

Appeal Ref: APP/B3438/D/18/3204135
12 Kent Drive, Endon ST9 9EH

- 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 Mr and Mrs Cunningham against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0183, dated 19 March 2018, was refused by notice dated 23 May 2018.
- The development proposed is described as 'first floor extension over existing garage to form master bedroom suite. Similar was approved under application number SMD/2017/0585 on 10/11/17'

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would affect the living conditions of occupants of the neighbouring property at 19 Cedar Crescent.

Reasons

3. 12 Kent Drive is a semi-detached property at the end of a cul-de-sac. Planning permission[1] was granted by the Council in respect of a similar extension to that proposed, construction of which was well advanced on site, with the main structure built and internal decoration underway. The approved scheme includes a wide window serving a bedroom at rear first floor level.

4. The proposed extension would be identical in size and shape to that approved, except that the rear first floor window would be extended down to floor level and would include double doors and a glass Juliet balcony.

5. 19 Cedar Crescent stands to the side of the appeal site, separated by an alleyway and at a slightly lower ground level. From the first floor window of the extension under construction, the rear windows of the property would be visible at an acute angle, with the rear garden more readily visible.

6. The first floor rear window of the proposed scheme would be the same width as that approved, and the position on the rear wall would be the same. The greater extent of the glazing now proposed would, however, create a more

[1] Council Ref SMD/2017/0585

prominent feature within the rear elevation, visible at close range from the neighbouring garden below.

7. Although the proposed window would be orientated towards the rear, and not directly towards the garden of 19 Cedar Crescent, the introduction of French doors and a Juliet balcony would mean the window would be likely to be used more frequently. Indeed, enjoyment of the view is put forward by the appellants as a reason for the proposed window. Occupants leaning out over the balcony would have unencumbered views at close range over the neighbouring garden. When open, the doors would also create an impression of activity within the room, with a resulting perception of overlooking for users of the neighbouring garden.

8. In contrast, under the approved scheme, views would most likely be from within the room, through the glass, which would restrict the angle and directness of the views. Although the neighbouring garden would be visible, these views would not be intrusive, nor would the form of the window encourage prolonged views, as is the intention with the French doors and balcony. I therefore find that the proposed scheme would differ materially from the approved scheme in this respect, creating more direct, invasive overlooking, and a perception of overlooking given the form of the window.

9. The appellants refer me to examples of development permitted by the Council which include full height windows to the rear of the dwelling. However, these developments are located in different parts of the district, and I am not provided with full particulars of the schemes to ascertain whether they are comparable to the appeal before me. The appellants also provide photos of unnumbered dwellings on Hazelwood Road, but these do not clearly demonstrate a comparable situation to the appeal scheme. I can therefore give only limited weight to these examples. I have, in any event, considered the appeal on its own merits.

10. For these reasons, I conclude that the proposal would result in an unacceptable loss of privacy that would cause harm to the living conditions of neighbouring occupants of 19 Cedar Crescent. I therefore find conflict with Policy DC1 of the Core Strategy Development Plan Document (adopted 26 March 2014), which, amongst other aims, seeks to protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. Furthermore, the proposal would conflict with the similar amenity aims of the National Planning Policy Framework[2].

11. The Council did not refuse the application in respect of its effect on the character and appearance of the area. As I am dismissing the appeal in respect of the main issue, it is not necessary for me to reach a finding in this respect.

Conclusion

12. For the reasons given, the appeal is dismissed.

Kevin Savage

INSPECTOR

[2] Published 24 July 2018 - Paragraph 127