The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2023

Appeal Ref: APP/B3438/D/23/3319650
9 Hollington Road, Tean, Stoke-on-Trent, ST10 4JX

- 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 Ms R Russan against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2022/0392, dated 13 July 2022, was refused by notice dated 23 January 2023.
- The development proposed is the construction of a first-floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a first-floor rear extension at 9 Hollington Road, Tean, Stoke-on-Trent, ST10 4JX in accordance with the terms of the application, Ref SMD/2022/0392, dated 13 July 2022, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01081-AL(0)02 Rev A.

    3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of No 11 Hollington Road by way of light and outlook.

Reasons

3. No 9 is a detached two-storey house situated on the northern side of Hollington Road. It is set well back from the road and at a much higher elevation. In addition to the slope up from the road, the land slopes down from east to west, such that the adjacent bungalow at No 11 is set at a significantly higher ground level than that of the appeal property. No 9 has a two-storey rear extension to its western side and a single-storey rear extension to its eastern side, close to the boundary with No 11. No 11 has a principal kitchen window in its western elevation, facing the side of the appeal property.

4. The proposed development at No 9 would include constructing a first-floor extension above the existing rear side extension which, due to the sloping nature of the plot, is set a little higher than the main ground-floor level in the original house. The proposed extension would have a pitched roof sloping away from the boundary with No 11, and would project some 6 metres from the existing rear elevation of the main part of the house.

5. Policy DC1 of the Council's Local Plan (LP) indicates that developments should protect the amenity of the area and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, and privacy. The Council's Supplementary Planning Guidance Document on Space About Dwellings (SPG) indicates that extensions that are to be sited facing the principal windows of existing properties must be designed so that there is no obstruction to daylight beyond a vertical angle of 25 degrees measured from the midpoint of the nearest window of an adjacent property.

6. The Council contends that the proposed extension, due to its height, projection depth, and boundary line positioning, would have an overbearing and unacceptable amenity impact upon the facing principal kitchen window within the side elevation of No 11 Hollington Road. The proposal would result in an overly dominant stretch of lengthy and high brick wall which would contribute to an oppressive and overbearing form of development.

7. The appellant notes that, due to the prevailing topography around the site, the appeal dwelling is set at a lower level than that of the adjacent No 11 and that, as a consequence, the top of the kitchen window in No 11 is higher than the sills of the first-floor windows in No 9. On this basis, the appellant contends that the effect of the first-floor extension on the outlook from No 11 would be small. In addition, the appellant has provided a drawing that includes representation of a vertical 25 degree line from the kitchen window in No 11, along with 'shadow calculator' drawings, to indicate that the extension would have minimal impact on light received by that window.

8. There is a horizontal distance between the side elevations of the two properties of around 4 metres. From my site visit, I note that the kitchen window in the western side elevation of No 11 is a principal window serving that room and that it faces the existing single-storey rear extension at No 9. Due to the differing site levels, the top of the kitchen window would appear to be set at a slightly higher level than the flat roof of the side extension at No 9.

9. The Council has noted that the 25 degree angle shown on the submitted proposed elevation plans refers only to an 'approximate' position of the window in No 11. From my site visit, I find that the approximation is a reasonably accurate representation of the midpoint of the window, and that the 25 degree angle would not intersect the structure of the proposed first-floor extension. Moreover, in the light of the orientation and juxtaposition of the two dwellings, as illustrated in the 'shadow calculator' drawings, it would appear that the proposed extension would effectively have very little impact on the light received by the kitchen window in No 11.

10. By virtue of the internal levels in No 9, the side wall of the proposed extension would extend upwards above the existing extension by a little under 2 metres only, and the roof above would slope away from the boundary. In the light of the separation distance from No 11 and the limited additional height of the proposed extension, I consider that it would not be an overly dominant feature

and that it would not result in an oppressive and overbearing outlook from the kitchen window at No 11.

11. In conclusion on this issue, I find that the proposed extension would not be harmful to the living conditions of the occupiers of No 11 by way of light or outlook, and it would not conflict with Policy DC1 of the LP or with guidance in the SPG. Accordingly, I allow this appeal.

Conditions

12. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR