



Appeal Decision

Site visit made on 23 April 2013

by **CD Cresswell BSc (Hons) MA MBA MRTPI**

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

Decision date: 8 May 2013

Appeal Ref: APP/R3325/D/13/2194153

24 St Peters Close, Horton, Ilminster, Somerset, TA19 9RW

- 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 P Hobbs against the decision of South Somerset District Council.
 - The application Ref 12/03995/FUL, dated 8 October 2012, was refused by notice dated 5 December 2012.
 - The development proposed is extension and alteration works (amended design).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of the occupiers of No 25 St Peters Close with particular regard to outlook, daylight and sunlight.

Reasons

Character and appearance.

3. The appeal property is within of a group of three pairs of semi-detached dwellings situated in a relatively prominent part of St Peters Close, at the entrance of the street near the junction with Goose Lane. The houses are of a different design to others in this part of St Peters Close and unlike other dwellings in the street, they are set back from the road behind a wide grass verge with distinctive spaces between each pair of dwellings. Whilst there are single storey extensions to the side elevations of some of the properties within the group, these are not particularly prominent within the wider street scene as they are partly obscured by hedges and fences which run along the front gardens of the houses. When viewed from the opposite side of the road, the distinctive spaces between the main side elevations of each pair of dwellings are maintained, giving the arrangement of houses a generally consistent and symmetrical appearance.
4. The extension would closely reflect the design of the existing property and in this regard would respect the character of the building. However, being two storeys in height it would be more visually prominent than the single storey extensions to other properties within this group of dwellings. Consequently,

the narrowing of the gap between the appeal property and the neighbouring property would be very apparent when viewed from distance. As a result, there would be a loss of consistency in the spacing between the properties which is an important aspect of their character and distinctiveness. Whilst the appeal property is not a designated heritage asset or situated within a Conservation Area, national and local planning policies place strong emphasis on the importance of good design in all developments. The situation of these particular dwellings, in front of wide grassed area and being of a distinctively different design to others in St Peters Close, makes them particularly prominent and noticeable within the local landscape.

5. I therefore consider that, in this particular case, the proposal would cause harm to the character and appearance of the area. The proposal is therefore not in conformity with policies ST5 and ST6 of the Local Plan and policy STR1 of the *Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011* (The Structure Plan) which seek good design and to maintain local distinctiveness. The proposal is also in conflict with the overarching aim of the *National Planning Policy Framework* (The Framework) to secure high quality design.

Living conditions

6. There is a conservatory on the side elevation of the neighbouring dwelling, No 25 St Peters Close, containing a window that directly faces the side of the appeal property. Although the window is less than a metre from the fenced boundary of the two houses, it nevertheless contributes to a sense of openness within the conservatory. From a seated position, large areas of the sky are visible from the window and there are oblique views of the space to the front and back of the appeal property. The glazed doors of the conservatory face towards the front garden of No 25, including the boundary of the appeal property, and also contribute to this sense of openness.
7. The extension would leave only a narrow space between the side elevation and the boundary of No 25. At such close proximity, the height and width of the extension would significantly reduce views out the conservatory window and the loss of this outlook would therefore lead to a much greater sense of enclosure than exists at present. Similarly, views from the glazed doors of the conservatory to the west would be restricted, contributing further to the loss of openness. The appellant points out that the extension would have a hipped roof and therefore slope away from the boundary of the neighbouring property. However, the side wall of the extension would be a full storey higher than the conservatory and the slope of the roof would do very little to mitigate the loss of outlook from the window.
8. Whilst the conservatory window does not receive a significant amount of direct sunlight due to its orientation, the amount of daylight entering the room would nevertheless be affected. Apart from reducing the amount of sky visible from the conservatory window, the extension would also cause a degree of overshadowing from the south-west, leading to a reduction in the amount of afternoon sun entering the conservatory from the glazed doors. The reduction in natural daylight and sunlight entering the conservatory would lead to the living space becoming gloomier and generally less pleasant. Combined with the loss of outlook from the window, the extension would have a markedly detrimental effect on the living conditions within the neighbouring property.

9. The appellant suggests that the conservatory was built under permitted development rights and it was the neighbouring occupier who chose to provide a window overlooking the boundary. It is also argued that other forms of extension to the appeal property could be built under permitted development rights which would have a similar impact to the current proposal. Whilst there is some disagreement between the parties as to what may be allowed under permitted development rights and what effect this would have on the neighbouring property, it would seem to me that proposal before me would be more harmful than an extension that could be built under permitted development rights.
10. Taking all matters into account, I consider that the resultant change in outlook, daylight and sunlight would cause unacceptable harm to living conditions within No 25. The proposal is therefore contrary to policy ST6 of the *South Somerset Local Plan Adopted April 2006* (the Local Plan) of which criterion 6 aims to protect the amenity of neighbouring occupiers. The proposal is also not in conformity with the Framework which seeks to secure good standards of amenity for current and future occupiers.

Conclusion

11. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR