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## Appeal Decision

Site visit made on 16 October 2014

**by G Powys Jones MSc FRTPI**

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

**Decision date: 20 October 2014**

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**Appeal Ref: APP/R3325/D/14/2224506**

**12 Newchester Cross, Merriott, Somerset, TA16 5QJ**

- 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 & Mrs Nigel Simcock against the decision of South Somerset District Council.
  - The application Ref 14/01604/FUL, dated 30 March 2014, was refused by notice dated 3 June 2014.
  - The development proposed is a two-storey extension to dwelling house.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension to dwelling house at 12 Newchester Cross, Merriott, Somerset, TA16 5QJ in accordance with the terms of the application Ref 14/01604/FUL, dated 30 March 2014, subject to the conditions set out in the attached Schedule.

### The main issues

2. The main issues are: (a) the effect of the proposal on the character and appearance of the host property and surrounding area and (b) on the living conditions of the residents either side of the appeal property, at 10 & 14 Newchester Cross, with specific reference to sunlight, daylight and visual impact.

### Reasons

#### *Character & appearance*

3. The extension would be added to the rear of the property, and would not be visible from the highway in Newchester Cross or Broadway. Whilst it would be seen across open land when approaching along Church Street, it would be viewed from there in the context of the similarly massed rear extensions added to the next-door property No 14, and the house beyond that, at No 16 Newchester Cross. The type of extension proposed, given that two similar ones exist in close proximity, would not therefore be uncharacteristic of the area.
4. Although the extension would be slightly longer than that built next-door, it is well designed, with a visually subservient pitched, hipped roof, and proposed in materials to match the extant dwelling. I consider the proposal to be sympathetically designed, and would sit acceptably in its visual context both in terms of the wider surroundings and the scale, mass and appearance of the host property.

5. I conclude that the proposed extension is acceptably designed and would not therefore conflict with that requirement of policy ST6 of the South Somerset Local Plan designed to ensure that new development respects and relates to the character of its surroundings.

*Living conditions*

6. The appeal dwelling is sited in the middle of a small terrace of three dwellings, and its rear wall faces north-east. Given its daily path, the sun would not strike the rear wall of the terrace other than in early morning or very late evening in high summer, even if it were undeveloped with extensions. For most of the day, virtually all year, the rear wall of this small terrace, and its windows, would thus be in shade as a result of the shadow cast by its own bulk. Given the normal daily path of the sun and the orientation of the windows central to its concern, the Council has not adequately explained why the extension would cause unacceptable overshadowing of neighbouring residents' windows.
7. The appellant would be entitled under permitted development rights to extend in two-storey fashion, albeit not at the height or length proposed in this case. This is a material consideration attracting substantial weight. Any such extension would affect the amount of daylight entering No 14's adjoining windows, which is already constrained by No 14's own extension. The extension proposed in this case would have no greater effect on No 14's rear windows in terms of daylight than that which the appellant would be entitled to build without formal consent.
8. No 10 has a small rear brick-built extension leading onto a substantial conservatory; its side wall faces towards the appeal property. Although the side wall contains glazing at a high level, it is built predominantly of brick. A high timber fence also separates the conservatory from the appeal property.
9. The conservatory's main glazing is therefore in its other walls, to the rear and at the far side, away from the appeal property, and in its roof. Accordingly, and given that the proposed extension would be sited away from the side boundary with No 10, and reasonably separated from the conservatory, I do not consider that the proposed extension would materially affect internal living conditions in the conservatory, with specific reference to sun- or daylight.
10. Since the high timber fence already referred to and the single storey brick extension already affect it, the kitchen window in No 10's rear wall would not suffer material loss of daylight as a result of the proposed extension being built.
11. The Council is concerned that the extension would appear overbearing to the residents either side. In my view, it would have no significantly greater visual impact on neighbours than their rear extensions/conservatory has on the appellants, and I do not consider these to be harmful in this regard. I am therefore content that the development would not cause harm in terms of its visual impact on the neighbouring residents.
12. I conclude that the development would not harmfully affect the living conditions of the neighbouring residents either side with regard to sunlight, daylight or visual impact. Accordingly, there is no conflict with those provisions of policy ST6 of the South Somerset Local Plan requiring new development not

to unacceptably harm the residential amenity of occupiers of adjacent properties.

**Conditions**

13. In the interests of visual amenity a condition in relation to materials is imposed.
14. Otherwise than as set out in this decision and conditions, 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.

**Other matters**

15. I have taken account of all other matters raised in the representations, and note the Council's view that some of the appellants' drawings may have been labelled incorrectly. However, especially having regard to the north point shown on the location plan, the drawings depict the appellants' intentions clearly, and any mislabelling should not be the cause of any misunderstanding in this respect. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

**Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used on the external surfaces, including the roof, shall match those of the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan and Drawing Nos. 817 01, 02 & 03.