



Appeal Decision

Site visit made on 5 October 2020

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 12 October 2020

Appeal Ref: APP/R3325/D/20/3251209

The Ridings, Middle Ridge Lane, Corton Denham, Sherborne, DT9 4LP

- 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 Damian Duffy against the decision of South Somerset District Council.
 - The application Ref 19/02363/HOU, dated 23 August 2019, was refused by notice dated 5 March 2020.
 - The development proposed is demolition of existing part side and part rear extension, demolition of existing garage, erection of new two storey side extension and single storey rear and side extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of this appeal is the effect of the proposal on the living conditions of the occupants of the neighbouring property Broadfields, in terms of overlooking and loss of sunlight and daylight.

Reasons

3. The appeal site is located on Middle Ridge Lane and accommodates a detached two-storey dwelling. The proposed scheme would result in the removal of the existing garage and part side and part rear extension and replace it with a two-storey side extension with single storey rear and side extensions. The proposal would result in two-storey development being located very close to the boundary with the neighbouring property Broadfields.
4. As a result of the scheme, the rear elevation of the property would include a new window that would be located close to the boundary with Broadfields and would serve a bedroom. Whilst there are existing first floor windows in the rear elevation of the appeal property that also serve bedrooms, these are located well away from the boundary. Given this and that the appeal property angles slightly towards Broadfields, I consider that the proposed first floor bedroom window in the proposed extension would result in a material increase in overlooking to the rear garden of Broadfields, including the more intimate areas close to its rear elevation. This would be harmful to the living conditions of the occupants of Broadfields through a loss of privacy.
5. The appellant has set out that they would be happy to consider substituting the rear elevation first floor bedroom window with either an angled window or

rooflights to overcome these concerns. Notwithstanding this, I have no detailed drawings to consider whether this would sufficiently overcome my concerns. I have considered whether the use of a planning condition would address this matter. However, I consider any changes to the fenestration could materially alter the relationship between the appeal scheme and Broadfields and this could prejudice the ability of the occupants of Broadfields to be able to comment on any changes to the scheme. Given both of the matters set out above, I do not consider that the use of a planning condition to secure an alternative design would be appropriate in this case.

6. The proposal, by virtue of the siting of the rear first floor bedroom window of the proposed extension would result in the unacceptable overlooking of the rear garden of the neighbouring property Broadfields. This would cause harm to their living conditions through a loss of privacy. The proposal is therefore contrary to Policy EQ2 of the South Somerset District Council Local Plan (2015) and the National Planning Policy Framework.
7. The occupants of Broadfield have also raised concerns with regard to a loss of light. The application was supported by Sunpath Analysis. This illustrates that there would be a loss of sunlight to the south facing ground floor side window of Broadfields. However, this would be limited to winter months and would only occur for a relatively limited period of time each day during this period. The Sunpath Analysis also shows that the proposal would affect the front facing lounge window of Broadfields. However, this would be for an even more limited period of the day in December and January. Over the course of a year, I am not of the view that such a loss of sunlight is of sufficient significance to materially harm the living conditions of the occupants and to warrant the refusal of the appeal.
8. I am also mindful that the lounge of Broadfields is served by three windows. Consequently, I consider that the lounge would be served by sufficient daylight, even when affected by a loss of sunlight as set out above, to provide acceptable living conditions to the occupants of Broadfields.
9. Despite the proposed extension's proximity to the boundary with Broadfields, given the orientation of the appeal property and the relatively tall boundary hedge, I am not of the view that the proposed extension would appear overbearing, including when viewed from the south facing ground floor side window of Broadfields.

Other matters

10. I consider that the scheme would not cause any harm to the character and appearance of the area, which has a leafy semi-rural setting with dwellings built of reconstituted and natural stone of varying designs. The proposed extensions would be set back from the road and would appear subservient to the main dwelling. The existing dwelling sits within a relatively generous plot and the scheme would not result in any appearance of overdevelopment.
11. The use of timber cladding would introduce a new material into the street scene in this location. However, I observed that there were examples of timber structures and outbuildings in the wider area. Further, the use of a different material to the main dwelling will ensure that it is viewed as a subservient addition.

12. The occupants of Broadfield have raised concerns that the construction of the proposed extensions could damage the foundations of their property. There is nothing before me to suggest that an appropriate form of construction cannot be achieved that would not cause harm to the foundations of Broadfields. It has also been raised that the construction and maintenance of the scheme would require access to land within the ownership of Broadfields. However, this is a civil matter and not for me to consider as part of this appeal.
13. I am content that sufficient on-site parking can be provided as shown on the application drawings to meet the parking standards in the Somerset Parking Strategy. Further, I observed on my site visit many vehicles parked within their front gardens and therefore there would be no harm to the character and appearance of the area in this regard.

Conclusion

14. Whilst I have found the scheme acceptable in all other regards, the proposed first floor rear bedroom window would cause unacceptable overlooking to the rear garden of Broadfields, causing harm to the living conditions of its occupants through a loss of privacy. Given this and having regard to all other matters raised, the proposal conflicts with the development plan when considered as a whole. There are no material considerations that outweigh the identified harm and associated development plan conflict, the appeal is therefore dismissed.

Jonathan Manning

INSPECTOR