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# Appeal Decision

Site visit made on 8 July 2015

by **Andrew Dawe** BSc(Hons) MSc MPhil MRTPI

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

Decision date: 20 July 2015

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**Appeal Ref: APP/R3325/D/15/3013902**

**50 Herne Rise, Ilminster, Somerset TA19 0HJ**

- 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 Stuart Lee against the decision of South Somerset District Council.
  - The application Ref 15/00419/FUL, dated 21 January 2015, was refused by notice dated 31 March 2015.
  - The development proposed is 2 level extension to the rear of my semi-detached property.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - i) the effect of the proposed development on the living conditions of the occupiers of No 52 Herne Rise in respect of outlook, privacy, sunlight and daylight.
  - ii) the effect of the proposed development on the character and appearance of the host property and the surrounding area.

## Reasons

### *Living conditions*

3. The ground floors of Nos 50 and 52 at the rear are noticeably raised above the garden level. No 52 has a rear conservatory with a correspondingly raised floor level. The proposed extension would create a two storey extension comprising ground and lower ground floor accommodation with ground floor rear access via steps and associated platform.
4. The proposed extension would project just over 5 metres from the rear of the existing house, and noticeably beyond the rear of No 52's conservatory, at a height greater than the eaves of that conservatory. This would result in a significant massing that would have an unacceptable enclosing and overbearing effect when seen from the rear living room of No 52 via the conservatory, which has glazing on all elevations, as well as from the conservatory itself. Furthermore, from the private timber patio area of No 52, immediately to the

rear of the conservatory and adjacent to the boundary with No 50, the proposed extension, due to its significant height, would be overbearing and oppressive.

5. The proposed platform that would provide access via steps to the ground floor room would be very close to the boundary with No 52. This would therefore result in direct overlooking of the more private area of the patio and garden area closest to the rear of that neighbouring house. This would result in a significant and unacceptable loss of privacy to residents of that property.
6. Due to north-north-easterly aspect, it would be unlikely that the proposed extension would cause significantly more loss of sunlight to the rear of No 52 than is currently caused by the existing house at No 50. Furthermore, there would still be a significant amount of open sky visible from the rear of No 52 and its garden such that the proposal would be unlikely to cause an unacceptable loss of daylight.
7. The appellant refers to No 52's conservatory overlooking No 50 and blocking out light to it. However, there are clear differences in terms of scale and massing between that conservatory and the proposed development. The obscure glazed side glazing panels to the former also reduce any overlooking of No 50 and there is not the same direct overlooking as would be caused by the proposed access platform. Notwithstanding this, I have in any case considered the effect on the living conditions of the occupiers of No 52 on its merits.
8. I conclude on this issue that, whilst there would not be an unacceptable loss of sunlight and daylight to No 52, this would not outweigh the unacceptable harm that, for the above reasons, the proposed development would cause to the living conditions of the occupiers of No 52 in respect of outlook and privacy. As such, in respect of this issue, it would be contrary to Policy EQ2 of the South Somerset Local Plan (the Local Plan) which states that development proposals should protect the residential amenity of neighbouring properties. It would also be contrary to the National Planning Policy Framework (the Framework) which, in paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### *Character and appearance*

9. The proposed development would introduce a large, two storey, flat roofed addition to the existing house. I also note that there are no other similarly large flat roof extensions to other properties in the vicinity, albeit that No 48 also has a large rear extension but with a sloping roof.
10. However, despite its height, it would still be below the level of the existing first floor windows; would have a significant section of narrower width than the existing houses; would be seen to some extent in the context of the flat roof of the existing garage; would still leave a good sized rear garden; and would also not be clearly visible from the street. The dwellings to the rear of the site are also at a significantly lower level such that the proposed extension would not appear as a prominent feature from those properties. For these reasons, it would not harmfully detract from the appearance of the existing house and, although it would be clearly visible from the properties either side, it would not be a prominent feature in the context of the wider surrounding area.

11. Therefore, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area. As such, in respect of this issue, it would accord Policy EQ2 of the Local Plan which states that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. It would also accord with the Framework in this respect which, in section 7, sets out the requirement for good design.

**Conclusion**

12. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area. However, this would not outweigh the harm that it would cause to the living conditions of the occupiers of No 52 in respect of outlook and privacy.

13. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR