



Appeal Decision

Site visit made on 17 September 2019

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019

Appeal Ref: APP/L3245/D/19/3232383

47 Folley Road, Ackleton WV6 7JL

- 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 Drummond against the decision of Shropshire Council.
 - The application Ref 18/05705/FUL, dated 11 December 2018, was refused by notice dated 9 April 2019.
 - The development proposed is single storey rear extension with roof terrace above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit construction work was taking place to the rear of the host property with what appeared to be foundations being dug. However, as I cannot be certain that the works taking place on site are the same as those shown on the submitted plans, I have assessed the proposal as shown on the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties having particular regard to outlook and privacy.

Reasons

4. The appeal site comprises a detached dwelling with relatively large front and rear gardens. The host property is positioned close to the side boundaries of the site and detached dwellings of a similar scale and appearance are positioned to either side of it. These are also positioned close to the common side boundaries. The relative position of the rear elevations of the three properties is staggered with the rear of No 45 being set further back than the host property and the original part of No 49 being set further forward with a conservatory and extension projecting off it to the rear.
5. The neighbouring properties have similar sized rear gardens and all the dwellings have ground and first floor windows in their rear elevations, with No 45 also having a ground floor side facing window near to the common side boundary with the host property which is largely marked by timber fencing with some intermittent landscaping. The boundary with No 49 is also marked by

timber fencing and there is a line of tall Fir trees positioned within the garden of No 49 along the side boundary near to the rear elevations of Nos 47 and 49. There are views over neighbouring rear gardens from existing first floor windows at the host property.

6. The proposed single storey rear extension would be the full width of the main part of the host property and would have a depth of approximately 2.5m. It would have a flat roof which would be enclosed by a 1.1m high glazed screen along the rear elevation and 2m high obscurely glazed privacy screens to either side. The roof terrace would be accessible via bi-folding glazed doors serving two first floor bedrooms and a study.
7. Although there are existing views of neighbouring properties and gardens from the first floor windows of the host property, these windows serve bedrooms and a study and the relatively high cill level of the windows means that such views are only visible when in the rooms and standing close to the windows. By contrast, the erection of the roof terrace would allow for views of a significant proportion of neighbouring rear gardens from the entire rear width of the host property.
8. Whilst the erection of privacy screens to the side of the terrace would prevent direct overlooking of the rear elevations and rear terraces of the neighbouring properties, they would not prevent overlooking of neighbouring gardens from the rear of the terrace which I consider would be more harmful to the living conditions of the occupiers of neighbouring properties than the existing arrangement. The depth and length of the terrace is such that it could be used in numerous ways and by a relatively large number of people and could involve people standing or sitting in various positions on it, allowing extensive views over neighbouring gardens. The fact that the terrace would be accessed via first floor rooms, that it would face east and that there is a formal barbeque/recreational area in the garden of the host property would not in my view mean that its use would be limited to such a degree so as not to be harmful with regard to privacy, particularly given that it is likely to be used more frequently during the summer months when neighbouring occupiers are also more likely to use their gardens.
9. With regard to outlook, the erection of the proposed extension and privacy screens would adversely affect the outlook from the ground floor utility room at No 45 as it would reduce the already limited outlook from the window serving that room. However, having regard to the modest size and secondary use of the room, I do not consider that this loss of outlook would materially affect the living conditions of the occupiers of No 45. The height and position of the extension and privacy screens relative to the rear elevations and rear gardens of neighbouring properties together with the height and position of existing boundary treatment means that the proposal would not materially affect the outlook from these properties and gardens, notwithstanding that No 49 is set at a lower level than the host property.
10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having particular regard to privacy. It is therefore contrary to Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted

December 2015. These policies seek, amongst other things, to ensure that development safeguards residential amenity and responds appropriately to the form and layout of existing development.

Other Matters

11. Both the appellants and the Council consider the proposed extension without the roof terrace to be permitted development. However, I have no evidence before me regarding this matter and in any event the proposal comprises the extension and roof terrace which, for the reasons stated above, is considered to be harmful. In addition, any benefits of the altered and extended living accommodation to the occupiers of the host property would not outweigh the harm that I have identified.

Conclusion

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

Beverley Wilders

INSPECTOR