



## Appeal Decision

Site visit made on 16 January 2023

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16<sup>th</sup> February 2023**

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**Appeal Ref: APP/L3245/D/22/3304718**

**131 The Mount, SHREWSBURY, Shropshire SY3 8PG**

- 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 and Mrs I Hebborn against the decision of Shropshire Council.
  - The application Ref 22/02131/FUL, dated 4 May 2022, was refused by notice dated 1 July 2022.
  - The development proposed is a two-storey rear extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for a two-storey rear extension at 131 The Mount, Shrewsbury SY3 8PG in accordance with the terms of the application, Ref 22/02131/FUL, dated 4 May 2022, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 22/2254/01, Proposed block plan 22/2254/03 rev A, Proposed elevations 22/2254/07 rev A, and Proposed floor plans 22/2254/06 rev A.
  - 3) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building

### Preliminary Matters

2. Amended plans were submitted to the Council during its consideration of the proposal. This was of a reduced scale in comparison to the original submission and subject to re-consultation with neighbouring occupiers. I have therefore based my decision on the revised scheme without causing prejudice to any party.
3. The appeal is supported by a Daylight and Sunlight Report, concerning the effect of the proposal on the occupiers of 133 The Mount (No 133). As this is new evidence, the Council and occupier of No 133 were given an opportunity to comment on its contents, with the Appellant providing final comments.

### Main Issues

4. The main issues are:
  - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, and

- The effect of the proposed extension on the character and appearance of the area.

## **Reasons**

### *Living conditions*

5. The appeal dwelling is a detached property within a row of houses that are predominantly semi-detached. The property is on a hill with a slight rise, with No 133 being around 1.5 metres lower than the appeal dwelling. This change in levels results in the boundary wall and fence being around three metres high.
6. The Council does not appear to employ separation distance requirements or explain in guidance how it assesses the effect of extensions on neighbours. Consequently, assessments with respect to the effect on neighbouring occupiers are made by planning judgement alone. The neighbouring dwelling of No 133 is a semi-detached property that includes a two-storey rear return and a side conservatory with a canopy roof (also referred to as a day room in evidence). Photographs, in evidence, show the views from most rear and side facing windows of this property. Rear facing first floor windows appear to serve bedrooms, the side window at first floor serves a bathroom, and the rear and side facing ground floor windows serve a kitchen, dining room and WC.
7. Several of the side windows serve non-habitable rooms, such as the bathroom and WC. The kitchen window provides light to a relatively large space that would be deemed as a habitable room for the purpose of this assessment. The bedroom window, above the conservatory, provides a primary view of the garden of No 133. The proposed extension would be around four metres from the side wall of the neighbour's property.
8. The outlook from the neighbour's bedroom window is partially constrained by the side wall of this property's rear return, the boundary fence and the existing rear return of the appeal dwelling. In plan form the proposed extension does not intercept the 45-degree line plotted from the centre point of this bedroom window. This shows that views from this window, within the main field of vision of an observer, would be largely unaffected by the proposal. The kitchen's side windows principally overlook the high side boundary over a distance of around 4 metres. The proposed extension, whilst tall from this perspective, would be set away from the boundary, limiting its effect. As such, whilst views from the bedroom and kitchen would be partially enclosed by the proposal this change would not represent an appreciable difference that would demonstrably harm the occupier's outlook from these rooms.
9. Furthermore, although neighbouring dwellings beyond No 133 to the west and southwest are on lower land, these are a substantial further distance from the site. As a result, occupiers of these properties would also not experience a demonstrable loss of outlook.
10. Consequently, the proposal would not result in an adverse effect on the living conditions of neighbouring occupiers with respect to outlook. Accordingly, the proposal would satisfy policy MD02 of the Site Allocations and Management of Development Plan (DP), policy CS6 of the Shropshire Core Strategy (CS) and the National Planning Policy Framework (the Framework) with respect to the effect on living conditions. These seek, among other matters, for development

to safeguard residential amenity and achieve a high standard of amenity for existing users.

### *Character and appearance*

11. The appeal site is within a suburban area. Housing within The Mount consists of various styles which are largely traditional in form. These have deep rear gardens with a consistent front building line. Whilst housing on Richard Drive, to the west of the site, are on smaller plots, these are also a common distance from the street. Accordingly, local housing forms a regimented perimeter block pattern of development. As the appeal dwelling accords with the local development pattern, it makes a positive contribution to the character and appearance of the area.
12. The appeal dwelling is a traditional brick building with a small two-storey rear return and a staggered rear elevation. The proposal would remove the existing rear return and replace this with a larger extension. Whilst on plan this appears a sizeable depth and width, especially in consideration of the boundary to the east, its western side would project to a lesser extent than the depth of the existing dwelling. Also, its width would be less than the width of the existing house, somewhat mimicking the configuration of neighbouring housing. Furthermore, the ridge of the proposal would be lower than the main roof. As such, whilst being deeper and taller than the existing rear return it would remain subservient and be proportionate to the main dwelling.
13. Moreover, neighbouring housing along The Mount, include two-storey rear returns that are of a consistent depth. As such, the proposed scheme would align with the depth of adjacent built form and accord with the local pattern of development. Consequently, the proposal would complement the character and appearance of the host dwelling and the surrounding area.
14. The site is within Shrewsbury Conservation Area. The significance of which appears to derive from its traditional form of housing in a suburban setting. The proposal would only be glimpsed from the highway, being to the rear of the existing dwelling. As a result, the proposal would complement the character and appearance of the area and preserve the significance of the conservation area.
15. Accordingly, the proposal would accord with DP policy MD02, CS policy CS6 and the Framework in consideration of matters of character and appearance. These policies seek, among other matters, for development to contribute and respect locally distinctive character and be appropriate in scale, density, pattern and design.

### **Other Matters**

16. The Appellant's Daylight and Sunlight Report considers the effect of the proposal on the occupiers of No 133. This concludes that the proposed scheme would mostly have a low impact on the sunlight and daylight received by the neighbouring dwelling on all but the dining room window which would fail BRE guidelines<sup>1</sup>. Nevertheless, sunlight through this window is already compromised by the canopy of the day room and the proposal would have a limited further effect on sunlight reduction with this taken into account. Also, most of the garden would continue to receive over two hours of sunlight, in compliance

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<sup>1</sup> Building Research Establishment (BRE) Guide 2022

- with the BRE Guidelines. Accordingly, the proposal would have a limited impact on occupiers of No 133 with respect to sunlight and daylight.
17. The single storey side and rear extension of No 129 includes a number of obscurely glazed side widows at ground floor and a bedroom and bathroom window at first floor. The bedroom window is on the rear elevation of this property, alongside its rear return, and primarily overlooks its rear garden. Due to its elevated position it's outlook, and access to sunlight and daylight, would not be materially affected. The side facing bathroom window serves a non-habitable room where access to sunlight is not normally protected. The side facing ground floor windows are largely above the fence line and receive borrowed light from over the appeal site. Due to their elevated position, proximity to the boundary and being obscurely glazed, these windows would not experience a material reduction in outlook, sunlight or daylight.
  18. The proposal would be served by rear windows that would primarily overlook the Appellant's rear garden. Although views over private neighbouring gardens would be possible, such views would be oblique and similar to views from existing first-floor windows of neighbouring dwellings. Consequently, the proposal would not overlook neighbouring gardens to an extent that would result in an adverse impact on privacy.
  19. The party wall act establishes the requirement for an applicant to inform neighbouring parties when work is proposed to party walls. Any requirement for such notification is a matter outside of my consideration of the planning merits of the case and relate to private civil matters.
  20. The construction of the proposed development may cause some noise and disturbance for local residents. However, these effects would be temporary and limited by construction hours governed by environmental legislation. These would not cause a prolonged adverse impact on living conditions. Matters raised in regard to the potential structural impacts of the proposal would be addressed through the building regulation approval process and would not be for my consideration.
  21. The area of the garden, within the footprint of the proposed extension, is relatively open and contains several small ornamental plants. Consequently, there is no clear evidence to demonstrate that the proposal would result in a deleterious effect on wildlife or result in the loss of mature trees.
  22. Interested parties have raised concerns with respect to the effect of the proposal on local drainage. The proposal includes two en-suites and an extended kitchen. Whilst these would increase the drainage requirements of the site, the degree of change to local drainage load would be negligible and would have no material effect on the local drainage capacity.

### **Conditions**

23. It is necessary to apply conditions in connection with a commencement period and list the approved plans to accord with the PPG. It is also necessary for materials to match the main dwelling in the interests of the character and appearance of the area.

**Conclusion**

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission is granted subject to the listed conditions.

*Ben Plenty*

INSPECTOR