



Appeal Decision

Site visit made on 8 March 2018

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Tuesday 3rd April 2018.

Appeal Ref: APP/F4410/D/18/3194335

63A Park Drive, Sprotbrough, Doncaster DN5 7LN

- 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 Ms S Thompson against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/02796/FUL, dated 10 November 2017, was refused by notice dated 5 January 2018.
 - The development proposed is alterations and extension to existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extension to existing bungalow at 63A Park Drive, Sprotbrough, Doncaster DN5 7LN in accordance with the terms of the application Ref 17/02796/FUL, dated 10 November 2017, subject to the conditions in the schedule to this decision.

Procedural matter

2. At the site visit, I viewed the site from 63 Park Drive with the consent of the occupier of this adjacent residential property and did so unaccompanied.

Main issue

3. In the light of the Council's reason for refusal and the objections raised by interested parties, I consider the main issue to be the effect of the proposed development on the living conditions of the occupiers of 63 and 65 Park Drive with particular regard to visual impact, light and privacy.

Background

4. The Council has recently granted planning permission for a similar form of development to the proposal before me, but with a flat roof above part of the single storey forward projection rather than a dual pitched roof, as proposed. Compared to the approved scheme, an additional roof light would also be placed onto each of the side roof slopes that would each serve a bedroom.
5. There is nothing before me to indicate that the permitted scheme could not be implemented. Indeed, I saw at the site visit that alterations and an extension to the appeal dwelling were under construction. As such, it is a realistic fallback position against which the proposed development should be assessed.

Reasons

6. Of the properties close to the site, it is the occupiers of 63 and 65 Park Drive situated on each side of the appeal dwelling that are most likely to be affected by the proposed development.

Living conditions – No 63

7. From the ground floor bay window of No 63, which serves a lounge, and the 2 first floor windows above, which both serve the same bedroom, the forward projection of the finished dwelling would appear more substantive in built form given its pitched roof design compared to its approved counterpart. Even so, I observed that the proposed roof would be seen at an oblique angle a little distance away with the roof slope angling away from view. The main direction of outlook from each of the front windows of No 63, which all serve habitable rooms, would continue to be across the driveway and, in the case of the upper windows, also towards the property on the opposite side of the road. While the extended roof and roof light, as proposed, would be evident from each of the front windows of No 63, on balance, it would not unduly dominate outlook.
8. There would be some loss of daylight and sunlight to the front of No 63 in the later part of the day given the shadow cast by the dwelling, as proposed to be enlarged, just to the west. However, the additional loss of natural light would be largely confined to the new front roof slope and thus would be limited in extent and duration compared to the approved extension. The overall effect on living conditions due to the extra loss of natural light would not be appreciable.
9. Obscure glazing to the additional roof light on the east-facing roof slope and a requirement so that it is fixed shut would overcome overlooking problems towards the front of Nos 63. While the Council has not suggested that this restriction be imposed, the appellant has stated that a condition to this effect would be acceptable, if necessary. It would be required in this case because the new opening might allow views from it towards the front windows of No 63, which could feel intrusive to the occupiers of this adjacent property. Obscure glazing and a non-opening window would prevent those views, which could be covered by an appropriate condition.
10. Unlike the approved scheme, the plan shows that the proposed pitched roof would clearly breach an imaginary 45-degree line taken from the midpoint of each of the first floor bedroom windows nearest to the site. However, for the reasons given, I find that there would be no material reduction in living conditions if the new built form were in place. Consequently, a purpose of applying the 45-degree rule, which is to safeguard residential amenity, would not be infringed. In this particular case, this breach would not, in itself, justify withholding planning permission if the scheme were otherwise acceptable.

Living conditions – No 65

11. As a reasonably generous distance would separate the proposed pitched roof and No 65 the proposal would not cause any significant additional loss of light or materially reduce the external outlook to its occupiers compared to the approved scheme. Like No 63, a condition could be imposed to require obscure glazing that would prevent overlooking problems towards the side and rear of No 65 from the new roof light on the west-facing roof slope.

Conclusion on the main issue

12. On the main issue, I therefore conclude that the proposed development would not materially harm the living conditions of the occupiers of Nos 63 or 65. As such, it does not conflict with the Council's Supplementary Planning Document, *Development Guidance and Requirements*, insofar it aims to safeguard residential amenity. The proposal would also adhere to a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupiers of land and buildings.
13. As the finished dwelling would be in keeping with the residential character and general appearance of the host building and the local area, I find no conflict with Policy ENV 54 of the Doncaster Unitary Development Plan. This policy, which is cited in the reason for refusal, states, amongst other things, that extensions and alterations should be sympathetic to the existing building.

Other matters

14. Interested parties raise additional concern that the proposal effectively amounts to a rebuild of the dwelling with objections also lodged in relation to various matters including design, use of the garage and a potential loss of vegetation. These are important considerations and I have taken into account all of the evidence before me. However, the Council has granted planning permission for most of the development sought. The changes to the permitted scheme that are before me have no significant bearing on these matters.

Conditions

15. A condition is required to identify the approved plans and to require that the development is completed in accordance with them for certainty. To safeguard the living conditions of neighbouring occupiers, a condition is imposed to require that the roof lights serving the first floor front bedrooms are fitted with obscured glass and are fixed shut. This condition is additional to those suggested by the Council.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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: Refs 7833, 7640 and the Location Plan, which shows the site edged red and the extension shaded green.
- 3) Before the occupation of the development hereby permitted the roof lights serving the first floor front bedrooms shall be fitted with obscured glass and shall remain permanently fixed shut and shall be permanently retained in that condition.