



## Appeal Decision

Site visit made on 5 January 2009

by **Bern Hellier BA (Hons) MRTPI**

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

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**Decision date:**  
**15 January 2009**

### Appeal Ref: APP/N1350/A/08/2084988 84 Neville Road, Darlington, DL3 8NE

- 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 Mrs Diane Ives against the decision of Darlington Borough Council.
- The application Ref 08/00606/FUL, dated 15 July 2008, was refused by notice dated 1 September 2008.
- The development proposed is a two storey side extension, single storey rear extension and larger rear conservatory.

### Decision

1. I dismiss the appeal.

### Main issue

2. I consider the main issue is the effect of the two storey side extension on the living conditions of occupiers of the neighbouring property, 82 Neville Road, in relation to outlook and light.

### Reasons

3. The proposed two storey side extension would extend virtually to the boundary with No 82 where there is a facing side ground floor bay window approximately 2 metres away. This serves a kitchen-dining room which is long and narrow. Even though the bay window is north facing it is the main source of light for that part of the room used as a kitchen. The dining area has french windows looking out onto the back garden.
4. I consider the height and bulk of the proposed extension would create an overbearing sense of enclosure to someone working in the kitchen area of No 82. It would also overshadow the property and lead to a considerable loss of light in this part of the room. The alternative source of light from the french windows would lessen the overall impact but I conclude, nonetheless, that there would be a significant adverse effect on the living conditions of occupiers of the neighbouring property in relation to outlook and light.
5. Policy H12 of the Borough of Darlington Local Plan requires extensions to maintain adequate daylight to principal rooms and not to be overbearing when viewed from neighbouring properties. The kitchen is part of a larger living area which includes a table and chairs which the occupiers state is used for food preparation, meals, working at home and for school work. The appellant disputes this level of use. However I am satisfied that, because of its size and

layout, the kitchen and dining area as a whole should be treated as a principal room. In relation to outlook the policy makes no distinction between principal and other rooms. I consider that, in this instance, as a result of loss of both outlook and daylight to No 82, the proposal would conflict with the provisions of Policy H12.

6. For the reasons given above and taking account of all other matters raised I conclude that the appeal should be dismissed.

*Bern Hellier*

INSPECTOR