



Appeal Decision

Site visit made on 7 December 2009

by **Jacqueline North BSc MSc**

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

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Decision date:
21 December 2009

Appeal Ref: APP/N1350/D/09/2115745

8 Beech Rise, Darlington, DL1 3TQ

- 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 Jonathan Jordan against the decision of Darlington Borough Council.
 - The application Ref 09/00398/FUL, dated 12 June 2009, was refused by notice dated 6 August 2009.
 - The development proposed is a ground floor extension to the rear of the dwelling.
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Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of adjacent dwellings with particular regard to potential loss of light and visual impact, and to the living conditions of the occupants of No. 8 Beech Rise with particular regard to potential loss of privacy.

Reasons

3. 8 Beech Rise is a semi-detached two and a half storey dwelling on the eastern side of a residential cul-de-sac. The dwelling lies in close proximity to a terrace of similar dwellings, being separated from No. 10 by a narrow walkway approximately 1 metre wide.
 4. The development proposed is a conservatory style sitting room of brick and glass construction featuring an opaque glazed roof. This would extend the full width of the rear of the dwelling and project 3 metres into the rear garden.
 5. Policy H12 of the adopted Darlington Local Plan (LP) permits residential extensions provided that adequate daylight and privacy to neighbouring properties is maintained and seeks to ensure that extensions are not overbearing when viewed from neighbouring dwellings. Additional guidance is given in the Council's Planning Guidance Note 7: *Alterations and extensions to dwellings* (PG7) which states that an extension may have an unacceptable impact upon the living conditions of the occupiers of adjacent dwellings if it projects beyond a line drawn at 45° from the mid-point of the nearest window of a neighbouring dwelling.
 6. The proposed extension would not comply with this 45° rule of thumb. Submitted sun studies demonstrate that the rear windows and gardens of the
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dwellings on the east side of Beech Rise are subject to shade in the morning and evening. The extensive glazed areas would limit the loss of light and the proposed extension would have little effect upon direct sunlight reaching the rear windows and gardens of neighbouring dwellings and would not harm the occupants' living conditions in this respect. However given the close proximity of the adjacent dwellings and the size of the proposed extension, I consider that the proposal would appear large and overbearing when seen from the living room windows and rear garden areas of both neighbouring properties.

7. The Council has raised concerns that the rear facing bedroom of No. 6 would have oblique views into the proposed extension if the glazed roof were not sufficiently opaque. However as this aspect could reasonably be overcome by a condition requiring opaque roof glazing, I do not take it to be an overriding objection to the proposal.
8. My attention has been drawn to a similar extension nearby. I am not aware of the full planning circumstances in that case, but I note that there is greater separation between that extension and adjacent properties. In any case, each case is assessed on its own merits.
9. I conclude that whilst the rear extension would not cause harm with regard to privacy and light, it would harm the living conditions of adjacent residential occupants with particular regard to visual impact. Consequently it would be contrary to LP Policy H12 and PG7.

Jacqueline North

Inspector