



Appeal Decision

Site visit made on 22 June 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/N2535/D/23/3320940

7 Velden Way, Market Rasen, Lincolnshire, LN8 3HD

- 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 Nicola Brooksbank against the decision of West Lindsey District Council.
 - The application Ref 146054, dated 20 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is the construction of a rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed side extension on the living conditions of the occupiers of Nos 3 and 5 Velden Way, by way of light and outlook.

Reasons

3. No 7 is a semi-detached house situated on the eastern side of Velden Way. It has an attached garage with accommodation at the rear on the northern side of the house, with a pathway some 0.7 metres wide running between the garage and the boundary with No 5. The proposed development would involve the construction of a single-storey rear extension, 2.5 metres deep and extending across the whole of the rear elevation. There would also be a new first-floor built above the existing garage/rear accommodation at the side of the house. Finally, there would be a first-floor extension, around 1 metre deep, built above the southern section of the rear projection. There has been no objection from the Council to this rear first-floor extension, and I agree that there are no significant issues raised by this element of the proposal.
4. Policy LP26 of the Central Lincolnshire Local Plan (LP) indicates that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by, or as a result of, development. Consideration should be given, amongst other things, to issues such as overshadowing and loss of light.
5. The Council contends that the proposed extension, by virtue of its size, scale, siting and mass, would result in impacts which would be unacceptably harmful on the living conditions of No's 3 and 5 Velden Way through over-dominance and its overbearing impact.

6. The appellant contends that the proposed extension would not impact on the neighbouring No 3 because of its limited length. Furthermore, there would not be any significant adverse effect on the light received at the rear of No 5, as evidenced by a Shadow Report submitted by the appellant. The appellant notes the existence of a number of two-storey side extensions at houses along the road and contends that these result in precedent for the proposed extension at No 7. Finally the appellant has indicated that the extended accommodation at the house that would result from the proposed development is intended to enable the provision of internal lifts and other alterations to serve disabled and/or potentially disabled members of the family.
7. Velden Way runs east to west from its junction with Mill Road, then turns to a north-south alignment around Nos 5 and 7. For this reason, the rear elevation at No 5 faces the northern side elevation of the appeal property. The rear gardens of Nos 3 and 5 are very shallow, being less than 5 metres deep, and they are the main private amenity space for the properties. The existing side elevation of the single-storey structure at No 7 is less than 1 metre from the boundary with Nos 3 and 5, such that the proposed first-floor extension above this structure to the side of No 7 would, therefore, be less than 6 metres away from the rear elevation at No 5. It would be a little further away from the rear elevation of No 3, and at an angle, such that any adverse impact on outlook from this house would be more limited.
8. The appellant has provided a Shadow Analysis of the effect of the proposed extension. Whilst the extension would clearly have some adverse impact on the light received at the rear habitable room windows of Nos 3 and 5 at certain times of the day, with the greatest impact in the winter, I do not consider that the extent of this impact on its own would be sufficient to dismiss the appeal. However, the proximity of the proposed first-floor side extension to the rear windows and garden of No 5 would have a significant adverse impact on the outlook from No 5, with a lesser adverse impact on the outlook from No 3.
9. The extended side elevation at No 7 would have an overall length of approximately 12 metres and a height rising from 2.5 metres at the eaves to a maximum height of over 6 metres, with the central portion forming a side extension of the main body of the house over two storeys. I consider that a structure of that scale so close to the main rear elevation of No 5, which includes a number of habitable room windows, would result in an oppressive and overbearing outlook for the occupiers of No 5. This would be exacerbated by the fact that the ground level of No 5 would appear to be around 0.5 metres below that of No 7, and this would intensify the impact of the side extension when seen from the rear windows and garden of No 5.
10. In conclusion on this issue, I find that the proposed side extension, by virtue of its scale and proximity to No 5 Velden Way, would result in an oppressive and overbearing outlook to the occupiers of the neighbouring property. There would also be some limited adverse impact on light received by the rear windows and gardens at Nos 3 and 5 Velden Way as a result of the extension. This would not be sufficient in itself to dismiss the appeal, but it adds to my concerns about the adverse effects of the side extension on the living conditions of the occupiers of the neighbouring properties and, in particular, No 5.
11. I have taken into consideration the health issues of the appellant and other members of her family. I have great sympathy for her situation, but I am not

satisfied that the scheme as submitted is the only way of accommodating the future needs of the disabled and potentially disabled members. In this case, the personal circumstances do not outweigh the adverse effects of the proposal on the living conditions of the occupiers of neighbouring dwellings.

12. I have also noted the existence of other two-storey side extensions along Velden Way, including those at Nos 4, 8, 12, 18 and 26. However, in all of these cases the extensions are in a side-against-side situation, where the side elevations do not face directly onto the rear of the neighbouring buildings, and where they do not, therefore, result in an oppressive outlook for nearby occupiers. In addition, some are set well back from the main front elevation of the house and are, as a result, much smaller in scale. On this basis, the other examples along the road are not a precedent for the current proposal at No 7.
13. In conclusion, I find that the proposal would be harmful to the living conditions of the occupiers of No 5 Velden Way by way of light and outlook, and to a lesser extent to the occupiers of No 3 by way of impact on light. On this basis, it would conflict with Policy LP26 of the LP and, accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR