

## Appendix A

### Appeal by J Grocutt

### Extension at 12 Butterton Drive, Chesterfield.

### CHE/18/00032/TPD

### 2/6099

1. Planning permission was refused on 5<sup>th</sup> March 2018 for the development of a single storey rear dining room extension at 12 Butterton Drive for the following reasons:

*The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and therefore the wider National Planning Policy Framework. The proposal is considered to have an overbearing impact upon the adjoining neighbour at No. 10 Butterton Drive by virtue of its orientation, scale and mass which is detrimental to their amenity furthermore the extension would constitute overdevelopment which is out of character of the surrounding area.*

2. An appeal against the decision has been determined by the written representation householder appeal method and has been dismissed.
3. Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015(GPDO) permits the enlargement, improvement or other alteration of a dwellinghouse. Paragraphs A.1(f) & (g) of Class A set out size restrictions for single storey rear extensions, with larger extensions being permitted subject to prior notification to the local planning authority. Where an objection is received to a proposal from an adjoining owner or occupier, then as set out in paragraph A.4 of Class A, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining occupiers.

4. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjoining property 10 Butterson Drive having regard to outlook, sunlight and daylight. The appeal site comprises a modestly proportioned semi-detached dwelling located within an estate of similar properties. The host building and the adjoining dwelling at 10 Butterson Drive contain a door and window in the ground floor of the rear elevation facing towards the reasonably small rear gardens. It appears that the door and window serve kitchens and that the kitchens also have side windows. The common side boundary between the two dwellings and rear gardens is currently marked by a solid timber fence.
5. The proposed extension would extend some distance beyond the rear elevation of the host building and that of No 10. Though it would be set in slightly from the common side boundary and though it would have a pitched roof sloping away from No 10, it would nevertheless be a bulky addition which would be higher than the existing boundary fence. The size, height and position of the proposed extension relative to the ground floor door and window and rear garden of No 10 means that it would have an overbearing impact on and would materially reduce the outlook from No 10. In addition the relative orientation of the two dwellings and the size and close proximity of the proposed extension to No 10 means that it would also be likely to result in the overshadowing of and a material loss of daylight to the adjoining dwelling and garden. Consequently there would be an adverse impact on the living conditions of the occupiers of No 10.
6. In reaching the decision the inspector noted that the appellant states that the common side boundary between the two properties was previously marked by a high conifer hedge and that the kitchen at No 10 is also served by a side window that would be unaffected by the proposal. However the conifer hedge was not in place at the time of the site visit and the inspector assessed the proposal based on the evidence and site circumstances before her. Whilst she noted that the affected room at No 10 is served by another window, she did not consider that this would adequately mitigate the adverse impact that the proposal would have on the living conditions of

the occupiers of No 10 resulting from the proposal. The inspector's attention had also been drawn to the fact that the extension would not be visible from the front of the host building and that similar extensions exist nearby. Though the extension would not be prominent it would nevertheless have a harmful impact on living conditions as set out above and she was not aware of the specific circumstances relating to the other examples given. In any event, the inspector must determine the proposal before her on its own merits.

7. Taking the above matters into consideration, the inspector concluded that the proposal would have a significant adverse effect on the living conditions of the occupiers of 10 Butterson Drive having regard to outlook, sunlight and daylight.