

## Appendix A

### Appeal by Mr Peter Walters

Extension to rear of 96 Boythorpe Road, Boythorpe, Chesterfield.

CHE/18/00657/FUL

2/3823

1. Planning permission was refused on 10<sup>th</sup> January 2019 for permission for an extension to the rear of 96 Boythorpe Road, Boythorpe for the following reasons:

*The proposed extension as a result of its overbearing impact and impact on the levels of day light/sun light received by the neighbouring dwelling at no.94 Boythorpe Road is not acceptable having regard to the adverse impact on residential amenity. The proposal would lead to a development that would have a large overbearing extension to the south of the house, and this would have a significant adverse impact on the primary window of a kitchen sited on the side of the neighbouring house. The proposal would introduce a negative impact on the residential amenity of no.94 Boythorpe Road and be contrary to the Council's Supplementary Planning Document 'Successful Places' (3.11 Amenity), policies CS2 and CS18 of the Chesterfield Borough Local Plan and paragraph 127 of the revised National Planning Policy Framework (2018).*

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues are the effect of the development on the living conditions of the occupiers of No 94 Boythorpe Road in respect of outlook and light.
4. The proposed extension would be sited to the rear of the property, it would be single storey at its closest point to No 94, with its roof rising up to two story a little further away. The submitted plans show an existing conservatory would be removed to facilitate its construction. The conservatory is a reasonably substantial structure, with a tiled pitched roof. The neighbouring property of No 94 Boythorpe Road has a kitchen window which looks directly onto the existing side elevation of the appeal property. This outlook is already restricted by a

timber panelled fence, and the existing side elevation of No 96, which consists of a brick single storey elevation, several windows, and a tiled roof which slopes away from the window. The proposed extension would be sited to the rear of the property and would not affect the direct outlook of the neighbour's kitchen window. At a wide angle looking east, the outlook would be marginally interrupted by the roofline of the proposed extension. Nonetheless, due to its distance away, it would not appear overbearing and would not have a significant impact on the living conditions of the occupiers of No 96.

5. With regards to light, the appeal dwelling is positioned to the south of No 94. Considering the path of the sun, the dwelling and existing conservatory already casts its shadow towards No 94 at certain parts of the day. The inspector was of the view that the proposed extension would not cause any significant increase in overshadowing than already experienced.
6. The inspector took account of the representations in relation to privacy. The proposed Juliet balcony at the first-floor level would principally overlook the appellant's own rear garden, and there is sufficient separation from neighbouring gardens to prevent significant overlooking. The inspector therefore found no harm to the living conditions of No 94 in respect of outlook and light, and the proposed extension accords with Policies CS2 and CS18 of the Chesterfield Local Plan, Supplementary Planning Document 'Successful Places', and paragraph 127 of the National Planning Policy Framework.
7. There is an Ash tree to the front of the appeal property, and a Sycamore and Ash tree at No 98 Boythorpe Road which overhang the rear garden, all of which are protected by a Tree Preservation Order. Due to their locations and having regard to the wider evidence, the inspector saw no reason to believe they would be affected by the proposed extension.
8. For the reasons given above the appeal was allowed and planning permission has been granted for an extension to the rear elevation of a dwelling at 96 Boythorpe Road, Boythorpe, Chesterfield, Derbyshire S40 2LR in accordance with the

terms of the application, CHE/18/00657/FUL, dated 19 September 2018, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site location plan; Block plan; Proposed and existing elevations; and Proposed and existing floor plans.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.