



Appeal Decision

Site visit made on 3 August 2009

by **David Stephenson OBE**
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an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
12 August 2009

Appeal Ref: APP/Y3940/A/09/2098049

34 Green Lane, Ford, Salisbury, Wiltshire SP4 6DE

- 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 & Mrs N Moss against the decision of Salisbury District Council, now Wiltshire Council.
- The application Ref: S/2008/1155, dated 19 June 2008, was refused by notice dated 20 August 2008.
- The development proposed is to raise the roof and include rooms in roofspace, with a pitched roof dormer window.

Decision

1. **I allow the appeal, and grant planning permission** to raise the roof and include rooms in roofspace, with a pitched roof dormer window at 34 Green Lane, Ford, Salisbury, Wiltshire SP4 6DE in accordance with the terms of the application, Ref: S/2008/1155, dated 19 June 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The windows of the dormer hereby permitted shall be glazed with obscure glass and retained in that form thereafter.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the northern elevations facing 36 Green Lane or on the southern elevation facing 32 Green Lane.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal firstly on the street scene and character and appearance of the area and secondly on the living conditions of occupiers of 32 and 36 Green Lane in terms of light, outlook and privacy.

Reasons

3. Although the Local Planning Authority is now Wiltshire Council, the development plan for this area still includes the Salisbury District Local Plan adopted in 2003 (LP), and the policies that I refer to in my reasoning are those that are relevant to this appeal.

4. The residential development in this area of Green Lane consists of a mixture of single and 2-storey dwellings. The bungalows are the predominant form on the eastern side of the road with 2-storey dwellings opposite. Most of the bungalows are aligned with their long axis parallel to the road, and are a simple design with shallow-pitched roofs with gable ends. The 3 dwellings at Nos 32 to 36 differ somewhat from the rest, firstly being set forward closer to the road and secondly with Nos 32 and 36 being oriented at right angles to the road with No 34 between them, so therefore appearing a slightly separate group.
5. The proposal would raise the ridge height of the 'L' shaped bungalow by 1.5m to 6m overall and 4 roof lights would be inserted in the front of the roof facing the road. The effect would be to create a higher bungalow with a steeper roof than the majority of the other bungalows, but I consider that it would remain compatible with the scale, design and character of the existing property, as sought by saved LP Policy D3. In view of its location and being framed by Nos 32 and 36 I consider that the proposal would not result in an incongruous or intrusive building in the street scene and that it would appear integrated in relation to other properties, consistent with LP Policy D3.
6. I conclude on the first main issue that the proposal would not be detrimental to the street scene in Green Lane or adversely affect the character and appearance of the area, and would not conflict with LP Policy D3.
7. 2 windows and the glazed front door of No 36 face the side elevation of No 34. The existing gable some 5.5m away dominates the view from the forward or western of these two windows and the increase in height would reduce outlook and daylight further to some degree. Saved LP Policy G2 seeks to avoid such effects to any undue extent. This window, however, is a secondary window to the front living room which has large windows facing the front. While there would be some loss of light and outlook I consider that this would not unduly harm the living environment in this room for occupiers.
8. The other window is the only window serving a bedroom. This window has only an oblique view of the existing gable but a more direct view of the rear wing of No 34 although this is some 11m away. While the increased height of the ridge would be noticeable from this window I consider that it would not result in any material loss of daylight, or have any undue effect by reason of loss of outlook.
9. Even if some overshadowing would occur to the planted area along the side of No 36, I consider that this would be transient and limited and would not result in undue harm. The Council has expressed no concern over any loss of light or outlook to occupiers of 32 Green Lane and I see no reason to disagree.
10. There would be no window-to-window overlooking of neighbouring dwellings. The proposed dormer in the rear roof slope would have the potential for overlooking the garden area of No 36, but as this dormer would serve a shower room it would be usual for the windows to be obscure glazed which would prevent overlooking and this could be ensured by means of a condition.
11. The full height window in the rear of the extended rear gable would allow oblique overlooking into the garden area of No 32 but not over the area immediately to the rear of the building which occupiers could reasonably expect to be private and free of overlooking. It would also allow overlooking to some extent into the garden of No 36 but at a significant separation and not into the area immediately to the rear of the dwelling. I consider that the proposal would avoid unduly overlooking adjoining dwellings, as sought by LP Policy G2. Although the Council has suggested a condition requiring this window to be obscure glazed I consider that this would not be necessary.

12. I conclude on the second main issue that the proposal would not adversely affect the living conditions of occupiers of 32 or 36 Green Lane by reason of any undue loss of light, outlook or privacy, and would not be in conflict with LP Policy G2.
13. I have considered the conditions suggested by the Council having regard to the advice in the Government's Circular 11/95 – *Use of Conditions in Planning Permissions*. In the interests of the visual appearance of the existing building and the surrounding area a condition controlling the materials used in the external surfaces of the extension is necessary. Additional windows facing either No 32 or No 36 could result in the loss of privacy to occupiers of those dwellings. While I consider that these could not be inserted under permitted development rights, for the avoidance of doubt I consider that it is necessary to remove any possible rights to prevent uncontrolled insertion of such windows. For the reasons I give in paragraph 11 above there is no reason to require the window in the rear gable to be obscure glazed, however as I conclude above in paragraph 10 a condition ensuring that the dormer window is obscure glazed is necessary.
14. For the reasons given above I conclude that the appeal should succeed.

David Stephenson

INSPECTOR