



Appeal Decision

Site visit made on 20 June 2006

by **Richard McCoy** BSc MSc DipTP MRTPI IHBC

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

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Date: 27 July 2006

Appeal Ref: APP/Z0923/A/06/2010442

80 Rannerdale Drive, Whitehaven, CA28 6LA

- 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 Abdul Karim against the decision of Copeland Borough Council.
- The application Ref 4/05/2836/0, dated 21 November 2005, was refused by notice dated 11 January 2006.
- The development proposed is extension and dormer rooms.

Decision

1. I allow the appeal and grant permission for an extension and dormer rooms at 80 Rannerdale Drive, Whitehaven CA28 6LA in accordance with the terms of the application, Ref: 4/05/2836/0, dated 21 November 2005, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

2. The area is a residential estate characterised in the main by detached dwellings. The appeal property is a detached bungalow with a flat roofed garage attached to its northern flank. The bungalow occupies most of the plot leaving a relatively small amount of amenity space. The proposal would be built over and to the rear of the garage.
3. The Council contends that the proposal would be harmful to the living conditions of the occupiers of the neighbouring property to the rear as it would have an "adverse dominant affect" particularly in terms of daylighting. Judging from the Council's statement and from a letter of objection it appears that the property to the rear is likely to be 23 Oak Crescent. I note also the Council's concern that the proposal will create a 6 bedroomed house which under minimum parking standards will require 3 on-site parking spaces, further eroding amenity space in front of the house. This point has also being raised in the letter of

objection. Other points of concern to the Council are the effect of the design of the proposed dormer on the character of the area and the intensity of the development.

4. Turning first of all to the living conditions of the occupiers of No 23. It seems to me that the existing degree of overshadowing will not significantly increase as the rear of No 23 already faces towards the bungalow on the appeal site. The proposal, which is very modest in scale, would be built on the side of the bungalow furthest away from No 23 and would not be any higher than the existing ridge line. Accordingly, I do not consider that there would be any adversely dominant affect when viewed from the rear windows of No 23. Furthermore, given the angle between Nos 23 and 80, it is likely that the sun's trajectory will cast the proposal's shadow along the boundary between Nos 80 and 82 Rannerdale Drive, rather than on to the rear elevation of No 23. Therefore, I consider that proposal accords with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version , adopted April 2005 as it would not lead to a significant reduction in daylighting to an adjacent property.
5. I note the Council has not raised similar concerns in respect of No. 82. However, I did observe during my site visit that the proposal would come close to the boundary with this property but I am satisfied that as there are no windows proposed within the gable that there would be no issues with regard to overlooking. Similarly, as the proposal is to the side of No 82, I do not consider that there would be any adverse effects on the living conditions of the occupiers, as it would not overshadow or be visually dominant when viewed from the principal habitable rooms of this dwelling.
6. With regard to the parking issue, the guidance contained in Planning Policy Guidance Notes 3 and 13 (PPG 3 and PPG13) advises that maximum not minima parking standards should apply. Weighing the standards required in this instance against national policy, in my opinion, reveals that the standards being applied are too high and I therefore give them limited weight. In addition, it was apparent from my visit that it was possible to park on-street close to the appeal site without compromising highway safety.
7. In reaching this decision I have considered the appearance of the proposed dormer and am satisfied that its design and small scale would result in a discreet addition to the rear roof slope that would not detract from the character of the host building or the area. I also consider that the amount of additional footprint that the proposal would add to the site would be so insignificant that it would not amount an over intensive development.
8. The Council has suggested conditions relating to improving the access to the site to make provision for additional parking. However, as I have mentioned above, under PPG3 and PPG13 I consider this to be an onerous requirement and I shall not impose these conditions. I shall impose a condition requiring samples of the external finishes to be agreed with the Council prior to the commencement of works to ensure the use of matching materials.

Richard McCoy

INSPECTOR