



Appeal Decision

Site visit made on 9 November 2009

**by Andrew Hammond MA MSc CEng
MIET MRTPI**

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

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**Decision date:
13 November 2009**

**Appeal Ref: APP/R1845/D/09/2113708
12 Hales Park, Bewdley DY12 2HT**

- 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 A Lewis against the decision of Wyre Forest District Council.
- The application Ref 09/0364/FULL, dated 11 May 2009, was refused by notice dated 16 July 2009.
- The development proposed is rear first floor extensions and first floor front window.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and loss of sunlight.

Reasons

3. 12 Hales Park is a detached dwelling which has previously been extended at the rear. The appeal proposals include continuing the rear extension to first floor level.
4. The appeal premises are set slightly higher and further back than the neighbouring property to the north, number 10.
5. The Council suggest that the proposal would breach their 45⁰ rule. However from my observations on site I could see that a line drawn from the nearest bedroom window in number 10 across the corner of the existing ground floor extension would be close to, if not greater than, 45⁰ to the perpendicular. In any event the Council's rule is not adopted policy and I have given it little weight in my determination of the appeal.
6. However number 12 sits almost due south of number 10. As a result a 2-storey rear extension to number 12, projecting well beyond the rear elevation of number 10, would significantly reduce direct sunlight to the rear of the property and parts of the garden at some times of the year.
7. I therefore consider that the proposed development would cause significant detriment to the living conditions of the occupiers of 10 Hales Park in this respect.

8. In addition the two storey flank wall of the proposed extension would, in my opinion, appear dominant and intrusive when viewed from the adjacent bedroom window and the part of the garden closest to the rear elevation.
9. I consider that in this respect the proposed development would result in additional detriment to the living conditions of the occupiers of 10 Hales Park.
10. I have noted that the current occupiers of 10 Hales Park have no objection to the proposed development. However the proposed extension, and the harm that it would introduce, would be a permanent feature which would affect future occupiers.
11. I therefore conclude that the proposed development would introduce significant harm to the living conditions of the occupiers of 10 Hales Park, with particular regard to outlook and loss of sunlight, in conflict with the Wyre Forest District Local Plan Policy D17 which seeks to protect the amenity of neighbouring residents.
12. For the above reasons I conclude that the appeal should be dismissed.

Andrew Hammond

INSPECTOR