



Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26-04-2023

Appeal reference: CAS-02154-J7Z8W1

Site address: 7 Beaufort Terrace, Beaufort, Ebbw Vale, Blaenau Gwent, NP23 5NN

- 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 Andrew Nicholas against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2022/0047, dated 17 January 2022, was refused by notice dated 16 June 2022.
 - The development proposed is two storey rear extension to provide kitchen, bedroom and ensuite and change of use to bed and breakfast.
 - A site visit was made on 21 March 2023.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Andrew Nicholas against Blaenau Gwent County Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 9 Beaufort Terrace with regard to outlook and daylight.

Reasons

4. The appeal site comprises a two-storey mid-terrace dwelling located along a predominantly residential street. No. 5 Beaufort Terrace adjoins the appeal site to its south and forms part of a commercial premises at the end of the terrace. No. 9 Beaufort Terrace is a residential property which adjoins the appeal site to its north. The terrace properties back onto an access lane and have consistent depths to their rear amenity spaces. Several properties along the terrace have one and two-storey rear extensions and separate single-storey outbuildings within their amenity spaces.

5. Alongside the change of use to a bed and breakfast, the proposal would demolish an existing single-storey extension adjoining over half the width of the property's rear elevation. A two-storey extension would be built along most of the rear elevation, projecting out about 6m from the property. The extension would have a mono pitch roof reaching a ridge height of about 7.95m and eaves height of about 5.6m.
6. A single-storey flat-roof addition to No. 5 occupies most of its rear amenity space. Submitted plans indicate that the appeal proposal's extension would adjoin a first-floor rear extension proposed to No. 5. To the north of the appeal site, No. 9 has a single-storey rear addition which adjoins its boundary with No. 11. It has a window and door on its side elevation facing the side wall of the existing extension at the appeal site. A ground-floor opening on the rear elevation of No. 9 is located between its rear addition and the appeal site.
7. The appeal proposal would be significantly larger than the existing single-storey extension. The additional increase in scale would form a substantial structure running close along the shared boundary. It would be set down only marginally from the ridge height of the appeal property. Due to its size and position, the significant depth and two-storey height of the extension would have a material overbearing effect on the occupiers of No. 9 when viewed from the nearest ground-floor windows and when using their rear amenity space.
8. With the rear doorway of No. 9 facing the appeal proposal, occupiers would emerge from their property and see the tall, blank expanse of the proposal's side elevation, at close range. Whilst I recognise there is already a sense of enclosure in the amenity space and in views from the ground-floor windows, the proposal would exacerbate this by extending deeper and taller than the existing addition. The impact of the proposal on the outlook from a first-floor rear elevation window at No. 9, which appears to serve a habitable room window, would not be significant given it would only have a peripheral impact in views to the immediate south.
9. The proposed two-storey extension would be positioned to the south of No. 9. Given the trajectory of the sun, the form and scale of the extension would likely result in an overshadowing effect to the rear of the adjoining property, harmfully affecting occupants' use of their amenity space. The appellant's desktop daylight and sunlight assessment refer to a minor incursion of the 45-degree line from the nearest first-floor window at No. 9, which is based on guidance that is intended to help assess likely effects on nearest habitable room windows of adjacent properties. I recognise the '45-degree rule' can be a useful guide. However, it is not determinative, and any assessment should still be based on each proposal and their individual contexts. While the assessment conclusions are noted, they only address the nearest first-floor window and not the ground-floor rear elevation window. The assessment's conclusions of impacts on the rear garden at No. 9 are also not clear. Given the orientation of dwellings, with No. 9 to the north, there is a strong likelihood that the proposal would result in a significant diminution of daylight in the ground-floor rooms of No. 9 nearest to the boundary, over and above that which currently exists.
10. The appellant contends that the proposed extension would improve the outlook from neighbouring properties looking at the north elevation of the commercial premises adjacent to No. 5. Nevertheless, while the Council does not raise any specific objections to the proposal in terms of its impact on the wider character or appearance of the area, such factors do not mitigate the harm that would be caused to the living conditions of neighbouring occupiers. The use of matching materials to those on external elevations of the appeal property would do little to overcome the harm that I have identified.

11. Although no neighbour objections have been received to the proposal, it has little relevance to the requirement to consider the effects of proposals on current or future occupiers of neighbouring properties, with regard to the development plan. Having observed other two-storey additions to the rear of some properties along the terrace, I do not regard them as examples that would justify the identified harm in this case.
12. I acknowledge that the proposed development would form part of a wider project at the nearby commercial premises and would provide some economic benefits. Whilst mindful of references to the proposed extension at No. 5 which would provide two storeys adjacent to the appeal site, I have no evidence of any planning permission having been granted for that scheme and in any event, it does not alter my decision that the appeal proposal would be harmful for the reasons given. I have considered the proposal against relevant planning policies and its likely long-term impact for existing and future occupiers. I therefore conclude that the proposed development would cause significant harm to the living conditions of occupiers at No. 9 Beaufort Terrace, with regard to outlook and daylight. This is contrary to the amenity-related criteria in Policy DM1 of the Blaenau Gwent Local Development Plan, adopted in November 2012.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR