



Appeal Decision

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/10/2023

Appeal reference: CAS-02666-H0Y4G3

Site address: White Corners, Whitehouse Drive, Abersoch, LL53 7AF

- 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 Rhys Jones against the decision of Gwynedd Council.
 - The application Ref C22/1104/39/DT, dated 29 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is new roof to existing bungalow including increase in ridge and eaves height, gable feature to front and square dormer to rear. Ground floor extension to rear with roof terrace over. Creation of new ground floor patio to rear.
 - A site visit was made by the Inspector on 20 June 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of occupiers of No. 7 Whitehouse Drive in relation to outlook, and
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

Living conditions

3. Outlook and aspect from a garden or window can be diminished through overbearing development by virtue of a development's bulk and proximity. Outlook is considered in this context in relation to impact on living conditions. White Corners is positioned at a right angle to No. 7 at the end of a cul-de-sac road in a residential estate in Abersoch.
4. The rear garden of White Corners tapers round so that it forms a west and north boundary to No. 7. On this northern boundary is a single-storey garage belonging to No. 7. The garden of No. 7 generally slopes away from these boundaries to the south. The corner of the lounge of White Corners abuts the common boundary between these properties. In the gable corner of the lounge there is a narrow-glazed window looking over the front of

the garage and part of the garden. There is another window that serves the living room directly facing the garden of No. 7. The corner of this building is within 2 m from the boundary which is separated by a wall. This wall is much lower than the window and does not prevent overlooking. In all, the garden of No. 7 is already significantly overlooked by the neighbouring property White Corners.

5. There is also a level difference whereby the garden of No. 7 is lower than the existing floor slab level of White Corners. This becomes more marked due to the sloping effect of the garden of No. 7. The existing ridge of the lounge steps-up in height to the living room part of White Corners. This is the existing and main ridge height of the property at White Corners. The plans indicate that the existing main ridge is 4.9 m. Being this close to the boundary as indicated within 2 m of the boundary at one corner and with the sloping nature of the garden of No. 7, I note that White Corners property already substantially impacts the garden of No. 7, being a dominant presence within this one aspect of the view. Adding to this impact is the established extent of overlooking which occurs.
6. Turning to the proposed development, the main ridge of the property would increase in height from 4.9 m to 6.54 m as indicated on the submitted plans. The existing single storey front ridge projection would increase to this proposed main ridge height in the form of a gable extension. The proposed living room would increase in height to the same extent forming a side gable feature facing No. 7. This elevation would have an apex triangular window at a high level and the ground floor side window facing No. 7 would be retained. The lounge addition next to the boundary with No. 7 would remain as it currently appears. A rear extension and dormer with first-floor terrace would be added to the rear of White Corners.
7. The proposed increase in height of the living room part of the development would be significant in the context of the site and its impact on No. 7. Given that the existing structure is dominant in the aspect from the garden of No. 7, the proposal would be significantly worse because of its height and proximity and due to the difference in levels. I would also regard the proposed front elevation gable addition with the side return wall and roof dominant and oppressive to the living conditions of occupiers of No. 7 when viewed from their garden, due to its position, nearness, height and because of the difference in levels.
8. Adding to my concern is the addition of the rear balcony terrace where one part is along the same plane as the side wall of the proposed living room. At this height, I consider that occupiers of White Corners would be able to overlook the ridge of the garage of No. 7 and look down onto the garden of this property. This would increase the overlooking of the garden of No. 7 than presently exists, which would not be acceptable. Whilst the garden is already overlooked there is no justification for making the situation worse where other parts of No. 7's garden would be less private than before the proposed development took place.
9. The appellant refers to no adverse impact on overshadowing and light loss having regard to its assessment on the sun's trajectory relative to its impact of the proposed development on No. 7. However, this does not alter my own site inspection conclusion in relation to outlook which considers the three-dimensional effect of the proposed development in terms of diminished outlook and aspect on the occupiers of No. 7's property due to the change in scale, massing, and proximity of the proposal.
10. I consider that the proposed development would conflict with Policy PCYFF 2: Development Criteria (criterion 7) of the Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 (JLDP). This is because the policy criterion indicates that planning permission would be refused where the proposed development would have an unacceptable adverse impact on the amenity of occupiers of local residences due to

nuisance. In this regard, the proposal would be overbearing development to the living conditions of occupiers of No. 7 due to components of the development being dominant and oppressive because of their height, mass, and proximity to the neighbouring property's garden.

11. I conclude that the proposed development would harm the living conditions of occupiers of No. 7 Whitehouse Drive in relation to outlook.

Character and appearance

12. The existing property is a suburban bungalow of no distinguishable character feature situated in a cul-de-sac of residential properties that have extensively been altered in the street in a modern and contemporary way. There is a considerable mix of single-storey and two-storey dwellings in the street, where properties have been altered and raised in height and treated in a contemporary design with modern cladding and horizontal glazing dominating their appearance in some notable examples. Other properties are similar in scale, clad in a composite cladding and painted white or off-white, and are semi-clad with a render on their lower half. The inclusion of balconies in some properties in the street provide a modern feature, where some are open, and others are enclosed by a projecting roof.
13. I have noted the cited examples from the appellant's submission, and I consider that whilst there are more single-storey properties than altered two-storey houses in the street there is now no unifying appearance and character to the street scene. There can be no sustained objection on design grounds to extending upwards, using similar materials to others in the street and inserting large panes of glazing and modern balconies.
14. The sloping topography of the street results in a descending roof height of properties. The property adjacent to White Corners on its northern boundary is taller than the appeal property with a dormer in the roof slope and projecting front gable extension. The step-down in height is less pronounced because of the alterations to this property next door to White Corners. The proposal would bring the height of the ridge of the appeal property to a slightly lower height than its neighbour to the north, and therefore there would be no adverse impact on the street scene due to this change.
15. I have considered other building works which were underway when seen from the rear garden of the appeal property, but I conclude that this has no bearing or effect on the matters under consideration in this appeal.
16. I consider that the proposal would not conflict with Policy PCYFF 3 criteria 1 and 2 of the JLDP. This is because the proposed development complements and enhances the character and appearance of the site, building and area in terms of appearance, scale, height, and elevation treatment and respects the site's context, townscape, and topography.
17. I conclude that the proposed development would not harm the character and appearance of the host dwelling and the surrounding area.

Conclusions

18. Notwithstanding my favourable conclusion for the appellant on character and appearance, the harm I have identified on living conditions outweighs my conclusion on character and appearance. I consider that the issue of living conditions on its own is sufficient to dismiss this appeal.
19. 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

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towards the Welsh Ministers' well-being objective to make our cities, towns, and villages even better places in which to live and work.

20. I therefore dismiss this appeal.

Iwan Lloyd

INSPECTOR