



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21.09.2023

Appeal reference: CAS-02831-B2J3H2

Site address: 10 Dickslade, Mumbles, Swansea, SA3 4EG

- 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 Mrs Majd Kasto against the decision of the City and County of Swansea Council.
 - The application Ref 2023/0401/FUL, dated 17 February 2023, was refused by notice dated 18 April 2023.
 - The development proposed is described as '10 Dickslade, proposed side extension to replace existing conservatory along with internal alterations'.
 - A site visit was made on 5 September 2023.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the living conditions of occupants at 2 and 3 Hill Street (Nos. 2 and 3), with particular regard to visual outlook and overshadowing.

Reasons

3. The appeal site comprises an end of terrace, two storey dwelling with a lean-to conservatory off its side gable end. The terrace runs across a steeply sloping hillside, which continues to rise to the rear. Nos. 2 and 3 are terraced dwellings which front onto the side boundary of the appeal site, which comprises a wall with hedgerow above. Both Nos. 2 and 3 sit on lower ground levels than the appeal site opposite. No. 2 is also set on a lower ground level than No. 3, as they step down the hillside. The proposed extension would be two storeys under a pitched roof and would extend towards Nos. 2 and 3.
4. During my site visit, I saw that occupants of both Nos. 2 and 3 have a severely restricted outlook from their ground floor front windows due to the proximity of the appeal site's side boundary directly opposite and the subsequent gable end. Views beyond these structures up and down the hillside are possible, although are partially obscured by neighbouring residential development and boundary treatments. A wider angle of view beyond these structures is available from first floor windows.
5. The Council's Placemaking Guidance for Householder Development supplementary planning guidance (SPG) advises as a general rule, that a two-storey extension should not be positioned so close to the boundary adjacent to the garden of a neighbouring property such that it would unacceptably encroach upon the sense of openness and outlook from both their house and garden. The proposed extension would bring a new

two storey gable elevation significantly closer to the front windows of Nos. 2 and 3 than the existing gable elevation on site. Notwithstanding the existing wall and hedge, from the ground floor windows of Nos. 2 and 3, the proposed extension, due to its height, width, bulk and proximity, would appear to loom over these dwellings and have an unacceptable visual impact on the occupiers.

6. With regard to overshadowing, the SPG advises that the degree of sunlight and daylight lost and shadow cast will depend on the position of the development relative to the sun and its height and length in relation to existing properties. It also refers to the 25-degree test, taken from the centre point of the window opening of the nearest room in an adjoining property, in order to assess potential lighting impact. I have treated this SPG as providing guidance only, rather than prescriptive thresholds. Nos. 2 and 3, whilst not adjoining, are located to the west of the appeal site, on lower ground and within close proximity to the extension, which would rise above the existing side boundary hedging and intersect a 25-degree line closer to their ground floor windows than the existing gable end. Therefore, the proposal has the potential to cause a significant reduction in direct sunlight or daylight entering these ground floor windows opposite and to a lesser extent, the first floor windows, during morning hours, relative to the sun's direction of travel.
7. Responsibility rests with the appellant to fully demonstrate the proposal's effects. The submitted daylight assessment does not refer to any industry recognised best practice or guidance and provides limited detail on the times and periods of the day when these front windows would be overshadowed. It also refers to incorrect plans, showing a smaller size of extension than proposed and with a 25-degree line at a 2m reference for No. 2's ground floor window, rather than the SPG's advised centre point. I therefore attach limited weight to this assessment. Based on the information available, I am unable to conclude that there would be no unacceptable loss of sunlight or daylight entering these front windows, or the extent to which other unaffected openings would mitigate such harm. I consider the previously approved extension under application ref. 2023/1084/FUL to be materially different in this respect, being significantly smaller in size and so also afford this little weight in countering my view.
8. I acknowledge the lack of other objections to the proposal, which is of neutral weight. A requirement to address damp issues and improve the use of the dwelling would not be dependent on this scheme and would not, therefore, outweigh the above identified harm.
9. I conclude that the proposal would be harmful to the living conditions of occupants of 2 and 3 Hill Street, contrary to Swansea Local Development Plan Policy PS 2, which amongst other matters, states that proposals should ensure that no significant adverse impacts would be caused to people's amenity, and the SPG.

Other Matter

10. The appeal site is located within the Mumbles Conservation Area (CA). Given that the proposal is of small domestic form, set against the hillside and amongst neighbouring residential development, it would not be prominent or intrusive. It would therefore preserve the character and appearance of the CA, as does the existing conservatory for the same reasons. This matter would not, therefore, outweigh the harm identified above, given its neutral effect.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
12. 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

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in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR