

Appeal Decision

Site visit made on 26 October 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 31st October 2016

Appeal Ref: APP/M2515/D/16/3156814

455 Newark Road, Lincoln LN6 8RT

- 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 D Holmes against the decision of Lincoln City Council.
 - The application Ref 2016/0383/F, dated 19 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed was originally described as "Demolition of existing rear offshoot and construction of new rear offshoot incorporating accommodation in roof space and rear balcony".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension incorporating accommodation in the roof space with two dormer windows and first floor balcony. (REVISED DESCRIPTION)(RESUBMISSION) at 455 Newark Road, Lincoln LN6 8RT in accordance with the terms of the application, Ref 2016/0383/F, dated 19 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 174/15/01, 174/15/02/C.
 - 3) The obscure glazed screening panels hereby approved on the east and west elevations of the rear balcony as shown on approved plan 174/15/02/C shall be fitted before the balcony is first brought into use and the panels shall thereafter be retained at all times.

Preliminary Matter

2. The description in the heading above comes from the original planning application form. However, I have used the description of development used in the appellant's appeal form and Council decision letter in my formal decision as this provides a clearer and more accurate description of the development.

Main Issue

3. The main issue is the effect on the development on the living conditions of the occupants of 457 Newark Road, with particular regard to privacy.
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Reasons

4. The appeal site is a detached bungalow where planning permission already exists for a largely identical form of development to that proposed here. The only difference between the two is that the permitted scheme included roof-lights to serve the bedroom in the roof space, whereas the appeal proposal includes dormer windows. The Council's concern with this change is the potential for it to allow greater visibility into the rear windows and garden of 457 Newark Road. No concerns have been raised about any other aspect of the development. I saw that construction work on the permitted scheme was already underway at the time of my visit.
5. The common boundary between No 455 and No 457 consists of a relatively long single storey garage/outbuilding with pitched roof and a hedgerow which is around 2m high and extends from the end of the garage to the full length of the garden. There are a number of trees within the garden of No 457 that are visible over the top of the hedge and are in close proximity to the boundary. The extension would run parallel to the boundary line, with the slant of the roof and dormers pointing toward the garden of No 457. The windows would be around 9 metres from the boundary.
6. I had the opportunity to view the appeal site from the garden of No 457 and am satisfied that there would be no issues of reduced privacy to the ground floor rear windows of this dwelling. The long and relatively high garage block which runs to the side of the house would effectively screen these windows from view. In terms of the first floor windows, these would be visible over the garage, but would only be seen at an acute angle from the dormers. The dormers would also be at the far end of the extension and thus would actually be some distance from the rear of No 457. These factors together would ensure there would not be an unacceptable impact on privacy.
7. In terms of views into the garden, the garage block would effectively screen the part of the garden nearest to the house and helps ensure existing levels of privacy would be maintained. However, the garden is a large space and extends well beyond the end of the garage. It is likely that the elevated position of the dormer windows would permit some views into this part of the garden. Nevertheless, I am mindful that the distance from the boundary and the density of the screening and mature landscaping which exists would continue to obscure views to a degree. This screening will also provide some comfort in terms of any perceived overlooking from No 455.
8. I also observed that there were dwellings to the rear of No 457 which were relatively close to the rear boundary of the garden and would have views into it from upper floor windows, albeit from an oblique angle. There is, therefore, already some potential for people to see into this space. While parts of the garden would be subject to some increase in visibility, it is not unusual within a residential area to be subject to some degree of overlooking when using the garden. The change in the current circumstance would not, in my view, lead to a harmful relationship between the dwellings or an abnormal level of overlooking into the garden space.
9. In this instance, the distance between the dormers and the boundary, coupled with the significant screening of large parts of the garden and windows would ensure that there would not be material harm to the level of privacy or living conditions currently enjoyed by the occupants of No 457. Accordingly, there

would be no conflict with saved policies 34 and 64 of the City of Lincoln Local Plan¹ which, amongst other things, seek to ensure development does not have an unacceptable impact on the amenity of adjacent properties. I also see no conflict with paragraphs 9 and 17 of the National Planning Policy Framework which seek to ensure people have a good standard of amenity.

Conditions

10. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty. The Council has suggested one condition relating to the provision of screening around the balcony. I have imposed this in the interests of protecting the living conditions of neighbouring occupants. For clarity and certainty, I have made a minor amendment to the suggested wording to include reference to the approved plan.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

¹ City of Lincoln Local Plan (adopted 26th August 1998) – policies Saved 27 September 2007