

Appeal Decision

Site visit made on 5 December 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 9th December 2016

Appeal Ref: APP/K2610/D/16/3158477

71 Salhouse Road, Rackheath, Norwich NR13 6PD

- 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 I Rawlinson against the decision of Broadland District Council.
 - The application Ref 20161106, dated 19 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is raise height of principal roof/form loft conversion/new ground floor utility room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development as shown on the application form is set out above. The proposed development as shown on the plans is more fully described on the decision notice and the appeal form as "1) Raise roof to form rooms in roof. 2) Insertion of dormer window to side. 3) Erection of three storey rear extension". I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the street scene and on the living conditions of occupiers of neighbouring properties taking particular account of outlook and privacy.

Reasons

Character and appearance

4. The appeal site is located in a row of properties accessed from a cul-de-sac separated from the main Salhouse Road by a wide verge with trees. The nearby properties are a mix of house styles and designs including some bungalows. No 71 is one of a pair of two storey houses with the gables facing the road and which are linked together at ground floor.
 5. The proposed side dormer would run the length of the proposed roof. The ridge line of the appeal property would be raised by about 0.8m-0.9m to enable more useable space in the loft. The resulting development would have three floors of accommodation. The proposed attic floor would contain two bedrooms, a bathroom and a walk-in wardrobe.
 6. The proposed new roof would have a steeper pitch than the existing roof and the proposed dormer would have a much shallower pitch. In these ways the
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proposal would not largely replicate the existing house design in terms of shape form or size, irrespective of whether constructed in matching materials.

7. Whilst the raising of the ridge height alone may not result in an unacceptable appearance (a proposal for which may or may not obtain unconditional planning permission), the combination of raised ridge line and the proposed dormer would result in a significant mass of building above eaves level. Together with the disparity in roof slopes the proposed development would result in an incongruous feature in the street scene and would not amount to a high standard of design. The proposed dormer would be particularly prominent as viewed across the single storey link with No 73 especially as the houses are at a slightly higher level than the road.
8. For the reasons set out above I conclude that the proposed development would have a significant harmful effect on the character and appearance of this part of the street. Accordingly it would conflict with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (as amended) 2014 (the JCS); Policy GC4 of the Development Management Development Plan Document 2015 (the DPD) and those principles of the National Planning Policy Framework (the Framework) that seek a high standard of design that respects the character and appearance of the local area.
9. The appellant says the dormer has been designed so that it could have been constructed under permitted development rights¹ if the ridge line did not need to be raised. It is not a matter for me to determine whether or not a different proposal would benefit from such rights or not. However, it seems to me that such a dormer would have less bulk and mass at first floor as it could not be higher than the existing ridgeline. Accordingly this does not lead me to any different conclusion. Similarly whether or not only those in the neighbouring properties would see the proposed development does not lead me to conclude that its design and appearance would be acceptable.

Living conditions

10. The house at No 73 is positioned with its rear wall stepped back behind the rear wall of the appeal house. The proposed rear extension would be sited almost on the shared boundary between the two properties. The resulting scale and mass of building/dormer so close to the boundary would have a dominant, oppressive, over bearing effect on the windows and garden of No 73 resulting in a gloomy outlook for occupiers of that property.
11. The plans show three windows in the side elevation of the proposed dormer facing towards the rear gardens of Nos 73 and 75. Two of these would serve a bathroom and stairs respectively and one would be a second window to bedroom 4. A planning condition could ensure these were obscured glazed and non-opening above 1.7m. Bedroom 4 would also be served by a Juliet balcony in the rear elevation. There are already two windows at first floor in the rear elevation but there would be an increased degree of overlooking due to the height of the proposed Juliet balcony. However, in this case, I consider that given the existing windows and the length of the garden, refusal of permission would not be justified on the basis of overlooking of a property that might be granted detailed planning permission in the future on land at the rear of No 71. For these reasons I conclude that the degree of potential overlooking from the

¹ Class B of the Town and Country Planning (General Permitted Development Order (England) 2015 as amended

dormer windows and the Juliet balcony would not be so severe as to justify with holding permission for this reason alone.

12. For the reasons set out above I conclude that the proposed development would have an unacceptable harmful effect on the living conditions of the occupiers of No 73 due to the scale, height and mass of building so close to the shared boundary. Accordingly it would conflict with Policy GC4 of the DPD and those principles of the Framework that seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

13. My attention has been drawn to other permitted schemes in the locality. None of these, including the alteration of a bungalow to a house at No 79 Salhouse Road, appear to have the same bulk of building above eaves level. Moreover, the rear extensions at No 75 Salhouse Road (planning Ref 20160746) and No 67 Salhouse Road (planning Ref 20100552) appear to be for two floors of accommodation rather than three. Nothing I saw during my site visit or that I have seen in the submitted evidence leads me to a different conclusion in respect of the appeal proposal.
14. The appellant says that no objections have been raised by neighbours other than to potential overlooking from the proposed dormer windows. However, there are many reasons why neighbours do or do not submit comments on planning proposals. The absence or otherwise of representations from neighbours is not in itself a material consideration affecting my conclusion. Nor is the pre-application advice from the Council and I have exercised my own judgement on the planning merits of the case.

Conclusion

15. Although the combined extensions are substantial there would be sufficient garden space to ensure the appeal proposal would not result in over development of the site. However, as set out above, I have found that the proposal would have a harmful effect on the character and appearance of the street scene and the outlook of the occupiers of No 73. In not complying with Policy 2 of the JCS or Policy GC4 of the DPD the proposal would not comply with the development plan taken as a whole. Taking all other relevant matters raised into account I conclude the appeal should not succeed.

SDHarley

INSPECTOR