

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: 15th December 2016

Appeal Ref: APP/Y2620/D/16/3160592

1A Willow Corner, Stibbard Road, Fulmodeston NR21 0LZ

- 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 John Parker and Ms Helena Wright against the decision of North Norfolk District Council.
 - The application Ref PF/16/0980, dated 13 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 1B Stibbard Road, taking particular account of outlook and light, and of the occupiers of Orchard House taking particular account of privacy.

Reasons

3. The appeal property is an end house of a block of four modern terraced houses. The two houses at Nos 1B and 3A Stibbard Road are set forward of the two end houses. No 1A has a steeply pitched roof with the first floor accommodation in the roof space. It has a single storey dining room and utility room. The evidence is not conclusive but on the balance of probabilities, based on the appearance of the appeal house and its neighbour, I consider it likely that the dining room and utility room are extensions to the original property. The existing first floor bedrooms face towards the rear boundary of the site and are each served by a roof light.
 4. The proposed two storey extension would be almost the full width of the house. It would extend out from the main rear wall by about 4.3m very close to the boundary with No 1B. The eaves height would be about 3.65m, matching that of the main house, and there would be a pitched roof sloping away from the shared boundary with No 1B. Due to its scale, height and position the proposed extension, even though the roof slopes away from the boundary, would have an overbearing effect when viewed from the windows and garden of No 1B creating a gloomy and oppressive outlook for its occupiers. This would be the case whether or not direct sunlight to that property would be reduced.
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5. The proposed extension would have a gable wall facing towards the shared boundary with Orchard House, Hindolveston Road, at distances varying between about 7.69m and 8.2m. There would be two bedroom windows in the gable wall at first floor facing the shared boundary. Due to the height of the proposed windows and the relatively short distance to the boundary the proposal would result in unacceptable overlooking of the garden of Orchard House with a consequent reduction in privacy for the occupiers of that property.
6. Some extensions can be built without the need for an application for express planning permission under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the GPDO). Schedule 2 Part 1 Class A(h) of the GPDO provides for the enlargement of a house by an extension of more than one storey that extends by no more than 3m from the rear wall and is not within 7m of the boundary opposite the rear wall.
7. The appellants assert there should be no problem from overlooking from the proposed windows or undue impact on the neighbours at No 1B as the GPDO will have taken these effects into account. However, it is the totality of a proposed development that has to be considered when assessing whether permitted development rights apply. Based on the available evidence it seems to me that the proposed extension would not benefit from permitted development rights. Accordingly, in this case, whether or not some alternative extension could be built under the GPDO does not persuade me that the proposal before me should be granted express planning permission.
8. For the reasons set out above I conclude that the proposed development would have a significant harmful effect on the living conditions of the occupiers of No 1B and Orchard House. Accordingly it would be contrary to Policy EN4 of the North Norfolk Core Strategy 2008 (the CS) which seeks to ensure proposals do not have significantly detrimental effects on the residential amenity of nearby occupiers. The proposal would also be contrary to those principles of the National Planning Policy Framework that seek a good standard of amenity for all.

Conclusion

9. In not complying with Policy EN4 of the CS the proposal fails to comply with the development plan taken as a whole. Taking all other relevant matters raised into account I conclude that the appeal should not succeed.

SDHarley

INSPECTOR