
Appeal Decision

Site visit made on 9 January 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/P2935/W/16/3161356

Ramshawe Bungalow, Aydon Road, Corbridge, Northumberland NE45 5EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ben Gibbard against the decision of Northumberland County Council.
 - The application Ref 16/01357/FUL, dated 16 April 2016, was approved on 1 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is a single storey side extension, 3no dormer windows to side elevation and 1no dormer window to rear elevation.
 - The condition in dispute is No 2 which states that: *"Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), or the approved plans within condition 1, within 2 months of the date of this decision the middle dormer window upon the west side elevation serving the landing area shall be permanently glazed with obscured glass and shall not be altered without the prior grant of planning permission from the Local Planning Authority. The dormer window on the west elevation serving the bathroom shall also remain permanently glazed with obscured glass and shall not be altered without the prior grant of planning permission from the Local Planning Authority."*
 - The reason given for the condition is: *"To safeguard the privacy and amenity of the occupiers of adjacent properties in accordance with H33 of the Tynedale District Local Plan"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for a single storey side extension, 3no dormer windows to the side elevation and 1no dormer window to the rear elevation of the appeal property. At the time of my visit, the single storey side extension and the dormer windows had been completed.
 3. The condition in dispute relates to a requirement to install obscured glass to the middle dormer window serving a landing on the west side elevation within 2 months of the date of the planning permission and retain obscure glass to the side dormer window serving a bathroom. I observed that as required by the disputed condition, the side dormer window serving the bathroom consists of obscure glazing. However, the middle dormer window on the west elevation serving a landing area was not obscure glazed and therefore, is contrary to the requirements of the disputed condition.
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4. The main issue is whether the disputed condition is reasonable and necessary in terms of the effect on living conditions of occupiers of neighbouring properties, with particular regard to matters of privacy.

Reasons

5. Saved Policy H33 of the Tynedale District Local Plan (LP), adopted April 2000, states that extensions to existing dwellings will be approved providing that they, amongst other things, respect the amenities of nearby residents. Although Saved Policy H33 significantly predates the adoption of the National Planning Policy Framework (the Framework), it is afforded significant weight as it is consistent with the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.
6. The appeal site consists of a semi-detached bungalow facing Aydon Road, which has been converted into a one and a half storey dwelling through the addition of dormers. Side and rear dormers are a common feature of properties in the surrounding area. However, the relationship of Ramshawe Bungalow to the semi-detached properties to the west which face Woodside Avenue (Nos. 41 and 42) result in the side dormers having an outlook that includes views towards the rear elevations of those neighbouring properties.
7. Having regard to the above and based on my observations, irrespective of the elevated position of the side dormer windows, there would be only limited views of the ground floor windows and rear gardens of Nos. 41 and 42 due to the presence of large single storey extensions to the rear of No 42. However, the existing clear glazing in the middle dormer window offers unrestricted views towards first floor windows within the rear elevations of Nos 41 and 42.
8. The middle side dormer is positioned opposite to non-habitable windows within the rear elevation of No 42 that are obscured glazed and therefore, the rooms which they serve would not be adversely affected in terms of privacy. The inter-visibility between the middle side dormer window and the nearest first floor habitable window within the rear elevation of No 42, which serves a bedroom, is a slightly offset relationship due to the respective position and layout of the dwellings. Nevertheless, the relationship is close enough to introduce opportunities for overlooking and a consequent, loss of privacy to the bedroom window of No 42.
9. The middle side dormer window serves a landing area and as such would not be likely to encourage prolonged periods of overlooking from the appeal property. However, intermittent overlooking and the associated loss of privacy to the occupiers of No 42 would nevertheless have an unacceptable impact upon the living conditions of that property. The resultant effect of the removal of the disputed condition would, therefore, be harmful to the living conditions of occupiers of 42 Woodside Avenue.
10. The occupants of 41 Woodside Avenue have expressed concerns in terms of the effect of overlooking from the middle side dormer upon that property, including a loss of privacy affecting a first floor bedroom and other living areas. However, the separation distance between the middle side dormer window and windows at the rear of No 41 is greater than to the windows of No 42 and a more indirect relationship. When taking these factors into consideration and based on my observations, the more distant and oblique views from the middle side dormer window towards No 41 would not result in overlooking or loss of

privacy to an extent that would be harmful to the living conditions of the occupiers of No 41. However, the absence of concern in that respect does not justify the harm otherwise identified regarding the relationship of the middle side dormer window to No 42.

11. The existing side dormer window that serves a bathroom, which is currently obscure glazed, has a more direct relationship to the habitable windows in the rear elevations of Nos 41 and 42 than the middle side dormer window. Consequently, the requirement in the disputed condition for that side dormer window to be obscured glazed is reasonable and necessary to prevent direct overlooking and a loss of privacy to both of the neighbouring properties.
12. In reaching the above findings, I have taken into account that the side dormer window located towards the front of the appeal property serves a bedroom and is not subject to obscure glazing requirements within the disputed condition. However, I observed that the interrelationship of that dormer window with the first floor bedroom window of No 42 is at a more oblique angle than the middle side dormer window, which limits the potential for overlooking. Consequently, the clear glazing of the side dormer window located closest to the front of the appeal property does not replicate or justify the harm identified relating to the other side dormer windows.
13. The harm identified could not be overcome by an alternative condition to secure additional landscaping to the boundaries with Nos. 41 and 42 Woodside Avenue to screen the outlook from the side dormer windows. The required height of additional landscaping to provide an appropriate level of screening would have an overbearing and overshadowing effect on the windows in the rear elevation and rear gardens of the neighbouring properties.
14. I conclude that the disputed condition is reasonable and necessary in order to protect the living conditions of occupiers of neighbouring properties, taking account of the advice set out in the government's Planning Practice Guidance and the Framework regarding the appropriate use of planning conditions. Without the condition, the side dormer windows serving the bathroom and landing area respectively would result in harmful overlooking and an unacceptable loss of privacy to neighbouring properties. As such the removal or variation of the condition would conflict with Saved Policy H33 of the LP and the Framework.

Conclusion

15. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR