

Appeal Decision

Site visit made on 6 June 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/V2635/D/17/3175209

16 Paige Close, Watlington PE33 0TQ

- 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 Andrew Prior against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 17/00041/F, dated 9 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is to convert existing single storey garage into habitable two storey extension and addition of a small porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the living conditions of the occupiers of No. 14 Paige Close with particular regard to outlook and overshadowing.

Reasons

3. The appeal property is a detached two storey dwelling with a single storey garage attached at the side that is set back from the road and located in a mature well-established residential area. The appeal property is staggered in front of the adjacent detached bungalow immediately to the north at No. 14 Paige Close (No. 14) which has a small front garden/driveway.
 4. The proposal would entail the construction of a two storey side extension with a dual pitched roof incorporating the conversion of the existing single storey garage. The extension would be set back from the front elevation and set down below the ridge height of the roof of the main house. The side elevation of the proposed side extension would be located immediately adjacent to the common boundary with No. 14 and the extension would be predominantly constructed from matching bricks and roof tiles with PVC cladding to the upper levels. A small front porch extension is also proposed.
 5. The property at No. 14 currently has windows to habitable rooms on the front elevation of the bungalow and the occupiers currently have an uninterrupted view over the single storey garage at the side of the appeal property that provides space and light between the properties.
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6. I have considered the appellant's arguments that the design of the proposed side extension has been carefully considered in order to minimise any impacts on occupiers of the adjacent properties. Whilst the set down below the roof of the main house would reduce the impact of the proposal to some degree, given the modest size of the front windows and garden at No. 14, the height and scale of the proposed extension, the distance between the properties and the orientation of the buildings, I consider that the proposed two storey side extension would dominate the views from the rooms and front garden of No. 14. It would introduce an overbearing and enclosing structure in close proximity to the common boundary that would restrict the outlook of No. 14 and result in overshadowing of the main habitable rooms and garden at the front of No. 14.
7. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of No. 14 with particular regard to the outlook and overshadowing. It would conflict with Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011 and Policy DM15 of the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan 2016. These policies, amongst other things, seek to ensure that the proposed development does not have an unacceptable adverse effect on the amenities of the occupiers of neighbouring properties. In addition, it would not accord with the National Planning Policy Framework that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other matters

8. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed additional accommodation for their two autistic children. I have considerable sympathy for the appellant's circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.
9. I have noted the support for the proposal from the Parish Council and the appellant's comments regarding the support from the neighbours. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conclusion

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

David Troy

INSPECTOR