The Planning Inspectorate

Appeal Decision

Site visit made on 19 December 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 21 December 2017

Appeal Ref: APP/H1840/W/17/3183716
37 Durcott Road, Evesham, Worcestershire WR11 1XE

- 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 Kevin Kent against the decision of Wychavon District Council.
- The application Ref 17/00784/FUL, dated 11 April 2017, was refused by notice dated 14 June 2017.
- The development proposed is single storey 1 bedroom new bungalow on new building plot adjacent to 37 Durcott Road, Evesham.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a plan at the appeal stage, Dwg No DUR-07, showing a proposal to obscure glaze the existing side elevation first floor windows of No 37. That dwelling is owned by the appellant and so such measures would be within his control. The Council has also had the opportunity to comment on this. I have therefore taken account of that plan in my decision.

Main Issues

3. The main issues are whether the proposed development would provide acceptable living conditions for future occupiers with regard to privacy, and the effect of measures to prevent overlooking on the living conditions of the occupiers of No 37 in respect of outlook.

Reasons

4. The proposed dwelling would have a fairly small rear garden area providing the main area of useable outdoor amenity space. That area would be both directly and obliquely overlooked in close proximity via two first floor bedroom windows in the side elevation of No 37. As a result, and due to the small size of that amenity space, it is unlikely that there would be any scope for providing an acceptable level of privacy for residents using it.

5. As referred to above, the appellant has submitted a drawing showing a proposal to obscure glaze those side windows of No 37 with the aim of preventing such overlooking. However, the side hung elements of those windows would be retained and in themselves would offer the potential for overlooking when open. Furthermore, those windows are currently the sole

means of outlook from the respective bedrooms. Obscure glazing them would therefore prevent any clear outlook from those habitable rooms, particularly with the windows shut. Those measures aimed at providing mitigation would therefore not prevent overlooking and would also cause a material and harmful loss of outlook from the rooms of No 37 concerned. Although, it is the appellant who currently lives at No 37, I have considered this matter on its planning merits and taking account of the effect on the occupiers in perpetuity.

6. I have had regard to those other existing sites elsewhere in the surrounding area which the appellant has drawn my attention to in respect of overlooking issues. However, I saw that the circumstances and context of those sites was different to that of the appeal site. In any case I have determined this appeal on its own merits.

7. For the above reasons, the proposed development would provide unacceptable living conditions for future occupiers with regard to privacy and the proposed measures to prevent overlooking would cause unacceptable harm to the living conditions of the occupiers of No 37 in respect of outlook. As such, it would be contrary to policy SWDP21 of the South Worcestershire Development Plan which in respect of this issue requires development to provide an adequate level of privacy and outlook.

Conclusion

8. The National Planning Policy Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9. I acknowledge that the proposal would add to the local supply of housing. However, that benefit would be small, relating only to a single dwelling, and would be insufficient to outweigh my findings that it would provide unacceptable living conditions for future occupiers with regard to privacy and that the proposed measures to prevent overlooking would cause unacceptable harm to the living conditions of the occupiers of No 37 in respect of outlook. It would therefore not be a sustainable form of development.

10. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR