



Appeal Decision

Site visit made on 1 October 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/P2935/D/19/3227000

3 Mizen Court, Bamburgh NE69 7BG

- 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 Mrs Alicia Menzies against the decision of Northumberland County Council.
 - The application Ref 18/04471/FUL, dated 19 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is replacement Velux rooflight with a Cabrio Velux Rooflight.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents by way of privacy.

Reasons

3. The appeal property is a modern mid-link dwelling situated in a small cul-de-sac of similar properties on the outskirts of the picturesque village of Bamburgh, which lies within the Northumberland Coast Area of Outstanding Natural Beauty (AONB). Mizen Court enjoys an elevated aspect when compared to the neighbouring streets to its rear, which are set down lower, due to the gradual fall in land levels as you head towards the coast. These other properties are generally smaller in scale, with some of these featuring windows which face towards the appeal property.
4. The appeal property also has rooms in its roofspace, which are served by Velux rooflights to the rear. The proposal seeks to replace one of these, which is positioned towards the ridge of the roof of the dwelling. This results in the rooflight being at head height when standing within the room which it serves. This arrangement effectively restricts the view from this window to an extent, only allowing limited views out whilst standing directly in front of it.
5. It appears that this existing rooflight is unable to be opened. It was locked shut at the time of my visit and I observed a sign positioned close by stating 'this window must remain closed at all times'. From the limited information before me from the Parish Council and neighbours, I understand that such a

restriction was imposed by the imposition of a condition on the planning permission¹ for this and the other rooflights in Mizen Court.

6. Whilst the proposed cabrio rooflight would be positioned at a similar height, it would be wider and project much further down the roof slope than the existing rooflight. This greater expanse of glass would allow increased opportunity to be able to look out from a wider range of positions within the room than at present. This would afford the occupiers of the room greater opportunity to look down into the upper floor windows of neighbouring properties and a greater number of private garden spaces than they can currently. Such an arrangement would be harmful to the privacy of the users of these upper floor rooms and gardens.
7. In addition to this harm, the design of cabrio rooflights is such that their lower section opens out over from its base to form a small external balcony area in which to stand. This would result in the occupiers of the room being able to stand outside of the property at an elevated position where they would have unrestricted and closer panoramic views of neighbouring land/properties. This would introduce overlooking conditions that would be more severe than at present, and hence this would add to the aforementioned harm in terms of the adverse effect of the proposal on the privacy enjoyed by the occupiers of neighbouring properties.
8. The appellant contends that many of the neighbouring properties windows and garden areas are screened by planting, in particular No 4 Islestone Court which is positioned only a short distance away at the bottom of the appeal properties garden. As such, she considers that any impacts arising from the proposal would be minimised. However, planting cannot be considered a permanent solution and there would also be times of the year when some of the current planting may not be in leaf and hence views would be more open. In any event, and notwithstanding the existence of some planting, unacceptable overlooking would still be possible towards parts of the garden areas and also into the upper floor rooms of neighbouring properties, in particular No 4 Islestone Court.
9. I observed the elevated position of the appeal property from a number of locations during my visit and it was clear that the cabrio rooflight would be visible from a number of areas, including private gardens and on driveways and footpaths. As a result of this conspicuousness, neighbours would be fully aware of the proposal. As well as actual overlooking being able to occur in some locations, neighbours would also have a perception of being overlooked by those using the balcony even when in the more secluded parts of their gardens. Clearly, such a situation would be much different to that at present with the smaller fixed rooflight. This is therefore a furthermore adverse matter which adds to my concerns about the overall effect of the development on the privacy enjoyed by the occupiers of neighbouring properties.
10. The appellant further contends that the overlooking of other properties is not unusual in the area due to the close-knit pattern of development and has submitted a number of photographs in order to illustrate this. Whilst I acknowledge that there are a number of instances where it is possible to overlook other properties, the current arrangement at the appeal property only allows for views of a restricted nature to occur. The proposed cabrio rooflight

¹ Planning application Ref: 10/B/0208

would fundamentally change this situation by creating opportunities for closer and a wider range of views to be experienced, including those towards upper floor rooms and private garden areas. Furthermore, I am not aware of other windows which include a balcony in the immediate area and where individuals are able to stand outside and look directly at other properties and garden areas. As a result, the examples of other windows identified by the appellant do not lead me to depart from my conclusion on this main issue.

11. For the above collective reasons, I conclude that due to the appeal properties elevated position and the size and the form of the proposed cabrio rooflight significant overlooking of neighbouring residents would occur as a direct result of the proposal. This would be harmful to the privacy and living conditions of neighbouring residents. Consequently, the proposal would not accord with Policy 5 of the North Northumberland Coast Neighbourhood Plan (2018) and paragraph 127 of the National Planning Policy Framework. When read together, these policies require proposals to be of a high-quality design that achieves a high level of amenity for existing and future residents.

Other Matters

12. The appellant has queried the Council's view that the proposal would conflict with Policy F2 of the Berwick-upon-Tweed Borough Local Plan (1999). This policy is primarily concerned with the conservation and enhancement of the landscape and the coast and is not therefore directly relevant to the consideration of the main issue. However, and whilst I do not consider that the proposal conflicts with the requirements of this policy, this does not alter or outweigh my conclusion on the main issue.
13. The site is located within the Northumberland Coast AONB. The Framework advises that great weight is to be afforded to conserving and enhancing the landscape and scenic beauty of such areas, which have the highest status of protection. Accordingly, I have paid special attention as to whether the proposal would conserve or enhance the landscape and scenic beauty of the AONB. Whilst comments were received from the AONB Partnership raising concerns regarding the potential for increased light pollution from a larger rooflight in this area that is known for its dark skies, in the context that an existing Velux rooflight is to be replaced by a cabrio Velux rooflight, I do not consider that the proposal would make a material difference from a light pollution point of view. Therefore, the proposal would conserve the landscape and scenic beauty of the AONB. However, this is essentially a neutral matter to weigh in the overall planning balance and it does overcome my overriding concern in respect of the adverse impact of the development on the privacy of the occupiers of neighbouring properties.

Conclusion

14. For the reasons set out above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR