



Appeal Decision

Site visit made on 28 August 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/Y2620/D/19/3231767

Apple Croft, 4 Beldorma Close, Wells-Next-The-Sea NR23 1EE

- 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 Alistair Kerr against the decision of North Norfolk District Council.
 - The application Ref PF/19/0232, dated 7 February 2019, was refused by notice dated 13 May 2019.
 - The development proposed is the erection of second storey to an existing attached boat store and workshop and 4 no dormer windows and 1 no juliet balcony to the south elevation to create additional living accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice for completeness because the description on the application form did not refer to the proposed juliet balcony or the use of the proposed extension.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the host property and the Wells Conservation Area; and
 - the effect of the proposal on the living conditions of the occupier of No 3 Shrublands with particular regard to outlook and overshadowing of the garden.

Reasons

Character and Appearance

4. The appeal property is a relatively modern detached house located at the end of a short cul-de-sac of similar properties. The property is 2 storeys high

- containing dormer windows in the roof slope. To the rear is a long single storey projection which runs along the length of the northern boundary of the rear garden.
5. The appeal site is located within the Wells Conservation Area (CA). The town's quay, large central green areas and a somewhat organic growth of the settlement contributes to the CA's character. Due to its relatively modern design and surrounding context the appeal property does not, in my view, make either a negative or a positive contribution to the special significance of the CA.
 6. The proposed extension would result in the raising of the single storey projection to the rear to add a first floor. I accept that matching materials are proposed, some design elements reflect existing features and the pitch of roof is similar to the host property. However, due to the reduced area of roof slope in contrast with the host property, the dormer windows in the extension would appear as somewhat awkward features.
 7. I recognise that the proposal would be stepped down from the main ridgeline of the host property and would maintain the relatively narrow width of the existing projection. Furthermore, because of its narrowness, the overall floor area of the host property is not significantly increased. However, in my view, because of the additional massing due to the length of the proposal it would not appear subordinate to the main house. Combined with the dormer detailing, it would appear as an unsympathetic addition and have a harmful effect on the appearance of the host property.
 8. The Council does not consider that the proposal would harm the special significance of the CA. Nevertheless Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of heritage assets including CA's.
 9. The appeal site is surrounded by other buildings and their grounds. As such the proposal would not be appreciated from wider public views within the CA. However, the proposal would be viewed from the rear of the property and in private views from the rear of No 3 Shrublands. Even cumulative and incremental changes of this kind can erode the character and quality of an area. Although in the context of paragraph 196 of the National Planning Policy Framework (the Framework), the resulting harm to the CA would be less than substantial. Any harm to the CA is a matter that attracts great weight, having regard to paragraph 193 of the Framework and the statutory duty to preserve or enhance CA's. In accordance with paragraph 196 of the Framework I must balance that less than substantial harm against the public benefits of the proposal.
 10. I accept that the appellant, is seeking to make an effective use of an existing dwelling, an objective which is encouraged by the Framework. I understand that extending the property might meet the appellant's need for increased accommodation. I have also had careful regard to the sustainability credentials of the development as advocated by the appellant along with the provisions of paragraph 11C and 38 of the Framework. I afford these benefits limited weight as the benefits to the public would be low. As such, I am not persuaded that these benefits outweigh the harm to the character and appearance of the property and the CA.

11. To conclude on the first main issue, the proposal would therefore conflict with the requirements of paragraphs 124, 130, 184 and 193 of the Framework and Policies EN 4 and EN 8 of the adopted North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies 2008 (CS). Amongst other things these policies promote good design and seek to ensure that development preserves the historic environment.

Living Conditions

12. No 3 Shrublands is positioned on a higher ground level to the appeal site. The existing single storey projection runs along part of the common boundary which consists of a fence, trellis and planting.
13. The appellant's evidence submitted with the appeal suggests that only a small proportion of the extension would be visible above the existing fence and trellis. This is due to the change in ground level and the design of the proposal which steps down from the ridge of the house. The existing trellis and planting do soften the existing rear projection at the appeal site. However, I observed on site that it does not screen the wall or roof slope of the existing building.
14. The proposal would add substantial massing which, when combined with the gable of the existing property, would appear oppressive from the garden area of No 3 Shrublands. I recognise that part of the garden area is not directly adjacent to the proposal, however a large part is, including a patio seating area. In my view, the introduction of the additional height along the length of the existing single storey projection would lead to a harmful impact on the use and enjoyment of the neighbour's garden.
15. The appellant has provided evidence to illustrate the level of shadowing that may occur as a result of the proposal. This shows that the proposed extension would result in some additional shadowing of the rear garden at No 3 Shrublands. However, over the course of a year the number of hours and days that this could occur would be small. This could be lower still dependent on the weather conditions on the dates when shadowing could theoretically occur. As such, whilst some shadowing could theoretically occur, I consider that there would not be a significant amount of shadowing effects on the garden space of No 3 Shrublands to the level that would harm the living conditions of the occupant of the property.
16. I therefore conclude on the second main issue, based on my findings on outlook, that the proposed extension would appear oppressive from the rear garden area of No 3 Shrublands and would significantly harm the living conditions of the occupier of that property. The proposal would therefore fail to comply with the requirements of Policy EN 4 of the CS and the Framework which amongst other things seek to secure a good standard of living conditions for existing and future residents.

Other Matters

17. The appeal site lies within a designated Area of Outstanding Natural Beauty (AONB). The Council does not consider that the proposal would harm the special qualities of the AONB given its location within the settlement and I concur with that view. As such there would be no conflict with Policy EN 1 of the CS or the Framework in respect of the preservation of protected landscapes.

18. The Council does not consider that the proposal would harm the setting of any listed building in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The nearest listed building, the Field Study Centre lies to the south of the appeal site and is a grade II listed building. I agree with the Council that because of the location of the proposal it would not, encroach into the setting of this or indeed any other listed building. As such there would be no conflict with Policy EN 8 of the CS or paragraph 184 and 193 of the Framework in respect of the conservation of listed buildings.

Conclusion

19. Whilst I have found no harmful effects from overshadowing as a result of the proposal, I have found that it would result in a harmful effect on outlook from within the garden of No 3 Shrublands. This would have a significant harmful effect on the living conditions of the occupier of that property. Furthermore, the proposal would have a harmful impact on the character and appearance of the host property and Wells CA.
20. I have taken account of all the other matters raised including the lack of views from public areas and the benefits of the proposed extension. However, these limited benefits do not outweigh the significant harm I have identified above. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR