
Appeal Decision

Site visit made on 24 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/Y2620/W/19/3225787

Flat 1, Fleet House, 6 New Road, North Walsham, Norfolk NR28 9DF

- 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 Ron Blackmore against the decision of North Norfolk District Council.
 - The application Ref PF/19/0069, dated 11 January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is the retention of conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of conservatory at Flat 1, Fleet House, 6 New Road, North Walsham, Norfolk NR28 9DF in accordance with the terms of the application, Ref PF/19/0069, dated 11 January 2019, and the plans submitted with it.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the living conditions of nearby occupiers.

Reasons

Character and Appearance

3. The appeal site comprises a first floor flat, accessed to the rear of the existing building. The host building is set back from New Road with a large parking area to the front. It is close to a public car park and other residential properties. The flat has a rear outdoor terrace, upon which a conservatory has been constructed. The conservatory occupies approximately half of the terrace with the remaining terrace kept as an outdoor area and is of a standard design. The surrounding area is mixed in character with flats and houses present, as well as a public car park, library and some commercial properties.
4. The terrace for Flat 1 is located to the rear of the existing building at first-floor level. The presence of the car park close to the appeal site means that the conservatory and terrace area are partially visible from New Road, although the set back of the building and the location of the conservatory results in partial

screening. The use of white UPVC adds to the visibility of the conservatory. However, the surrounding area is mixed in character with different designs, scales and siting of buildings, including the large property to the rear of the appeal site, which is reasonably prominent in visual terms. Although elevated, the conservatory is not unduly prominent as a result of its positioning and would therefore not be unduly incongruous within the immediate surroundings.

5. Accordingly, whilst the conservatory is partially visible from the public realm as a result of its elevated location, I find that this is not to a significantly harmful degree and it therefore complies with Policy EN4 of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy) which seeks to ensure that design has regard to the local context and preserves or enhances the character of an area, amongst other things.

Living Conditions

6. The appeal site is flanked to the sides and rear by residential properties. A modest bungalow is located to the side of the appeal site and to the rear is a large dwelling, Tenison House, which was constructed after the host property and is very close to the site boundary and the terrace of the appeal site.
7. No 4 is set back within its site and is therefore visible from the first-floor terrace. No 4 is a bungalow and therefore the terrace has views of the roof of the property. The bungalow has a rooflight facing the appeal site and windows at ground floor level. However, as a result of the distance from the conservatory, the screening from the existing boundary fencing and the angle of the rooflight, views into the property from the conservatory are limited and do not result in adverse impacts on the privacy of the occupiers of No 4.
8. The garden of No 4 is visible from the roof terrace, however the conservatory is set away from the garden and dwelling, with the remaining outdoor area of terrace being adjacent to the boundary with this property. When inside the conservatory, the views into the garden are restricted by the structure itself and the existing boundary fencing to a degree that would limit any harmful impacts on privacy.
9. Directly to the rear of the terrace and conservatory is a large dwelling, Tenison House. Facing the appeal site are some narrow vertical windows and a row of rooflights. Whilst the conservatory is in proximity to the windows of Tenison House, these do not appear to be primary windows to main habitable rooms, and they have some obscure glazing with limited outlook. The angles of these windows would allow for sufficient light to reach the property and I find that levels of privacy into the property or its garden would not be affected to an unacceptable degree.
10. I acknowledge that the presence of the conservatory could have the potential to result in the prolonged use of the terrace, rather than if it were left open, and I note the conservatory was furnished for sitting and dining. However, the structure of the conservatory provides some visual separation and screening from the adjacent properties. In addition, when sitting in the conservatory views across to the neighbouring properties were not unduly clear or direct which would help to mitigate against adverse impacts in terms of overlooking or loss of privacy. I find that the potential for noise and disturbance would be limited as a result of the size of the terrace and conservatory and the number of occupiers of the host property.

11. Consequently, for the above reasons I find that the conservatory, whilst located close to Tenison House, does not result in significant harm to the living conditions of the adjoining occupiers. It therefore complies with Policy EN4 of the Core Strategy which requires extensions and alterations to existing buildings to avoid significantly detrimental effects on the residential amenity of nearby occupiers, amongst other things.

Other Matters

12. I note the concerns of the neighbour that the conservatory could potentially affect the use of Tenison House as a holiday let, however I have limited evidence before me to demonstrate that this has been the case. Accordingly, I find that this does not result in the development being unacceptable.

Conditions

13. The Council have requested no conditions and I consider that none are necessary as the conservatory has already been constructed.

Conclusion

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

R Norman

INSPECTOR