
Appeal Decision

Site visit made on 4 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2020

Appeal Ref: APP/F2605/W/19/3241995

7 Loch Lane, Watton IP25 6HE

- 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 and Mrs Mark & Laine Skinner against the decision of Breckland District Council.
 - The application Ref 3PL/2019/0908, dated 17 June 2019, was refused by notice dated 2 October 2019.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal the appellant has submitted a plan which omits the rear extension and amended the first-floor layout to enable the removal of the window within the side elevation. I have considered this amended plan as part of this appeal, as I consider this proposed amendment would be to reduce the development and would not prejudice the interests of interested parties¹.
3. Since the time of the original decision, the Council has adopted a new Local Plan – the Breckland Local Plan 2019 (LP). The Council has confirmed which new policies correspond with and replace the policies which the application was determined against. Parties have been given the opportunity to comment on the implications of the new Local Plan to the appeal. In accordance with planning law, I have determined the appeal on the basis of the current development plan.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of 5 and 7 Loch Lane, with regard to privacy and outlook.

¹ 1 Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

Character and appearance

5. The appeal site comprises the side garden of 7 Loch Lane, a detached two storey dwelling. Loch Lane comprises a mix of single and two storey dwellings and is predominately residential in character. The road is characterised by detached dwellings within spacious plots.
6. The proposed dwelling would be sited within the side garden of 7 Loch Lane and would replace the single storey flat roof extension. A new access would serve the proposed dwelling.
7. The proposed dwelling, due to the narrow width of the plot, would be sited close to the side elevation of 7 Loch Lane and the limited spacing between the dwellings (approximately 1.65m) would lead to a cramped form of development, at odds with the prevailing character of the area.
8. Having regard to the amended plan submitted by the appellant, which removes the proposed garden room and increases the remaining garden area, this would not overcome my concerns regarding the lack of spacing afforded between the proposed dwelling and No 7.
9. The development would result in an increase in the density of development within the locality, which is generally characterised by large open gardens. This would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of the area.
10. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with policies GEN 02 and COM 01 of the LP which both deal with design and require development to be sensitive to the character of the surrounding area.

Living Conditions

11. The side elevation of 7 Loch Lane has two rooflights facing the appeal site which I am advised provide light to bedrooms. There are windows on the front and rear elevation which may also provide light to these rooms, however this has not been confirmed by the appellant in their evidence.
12. The proposed positioning of the dwelling would be in close proximity to the existing roof lights and therefore having regard to the height of the proposed dwelling, is likely to restrict light to those rooflights, detrimental to living conditions. However, I do not consider that there would be a loss of outlook from those rooflights as the appellant has already confirmed that currently the rooflights only afford limited views and they are to provide light only.
13. The original plans submitted to the Council included a bedroom window within the side elevation, facing towards 5 Loch Lane and I agree that this would have led to an unacceptable degree of overlooking, detrimental to the living conditions of 5 Loch Lane.
14. However, the amended plan submitted with the appeal revises the internal layout so that bedroom 2 would be served by a window on the rear elevation.

The window on the elevation facing 5 Loch Lane would serve a bathroom. Therefore I am satisfied that the overlooking from this window could be mitigated by a condition requiring the window to be glazed with obscure glass and non-opening, if I were to find the scheme acceptable in all other regards. Therefore, I am satisfied that the development would not cause unacceptable harm to the living conditions of 5 Loch Lane, with particular regard to privacy.

15. However, the proposed development would cause unacceptable harm to the living conditions of the occupiers of 7 Loch Lane, with particular regard to daylight. Accordingly, I find conflict with policy COM 03 of the LP which requires development not cause unacceptable effects on the residential amenity of neighbouring occupants.

Other matters

16. The Council has advised that they can demonstrate a 5 year land supply and the appellant has not provided any evidence to dispute this.
17. The proposed dwelling would have sufficient garden size and parking, commensurate with its size and therefore I consider it would provide a reasonable standard of accommodation for future occupiers.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR