



Appeal Decision

Site visit made on 12 February 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/L2630/D/19/3241352

4 Stocks Hill, Bawburgh NR9 3LL

- 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 Plant against the decision of South Norfolk Council.
 - The application Ref 2019/1520, dated 23 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is a first floor extension over an existing ground floor extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 3 Stocks Hill with regard to privacy, outlook and sunlight and daylight.

Reasons

3. The host dwelling is a semi-detached property with an existing single storey rear extension. The appeal proposes the construction of a first floor element above the existing extension.
4. First floor windows within the rear elevation to the host dwelling currently serve a bedroom, landing and shower room. Central and end sections of the rear garden at the adjoining dwelling, No 3 Stocks Hill ("No 3"), are visible from the bedroom and landing windows. The patio area immediately to the rear of No 3 is not generally visible from these windows due to the presence of the similar rear extensions to both properties, and to the set back of the windows concerned behind these. The shower room window is obscure glazed and therefore it does not allow for any significant exterior outlook.
5. The first floor extension proposed would contain two bedrooms, each of which would be served by a window within the rear elevation. This would be approximately parallel with the rear elevation to No 3. Therefore the height and location of the proposed windows would allow for views of the patio to that property which are not currently possible. Such views would be more generally available from the window to the proposed bedroom four due to its location adjacent to the common boundary. Whilst they would be oblique, such views would be at relatively close proximity due to the window's location.

6. The non-obscured rear elevation windows currently serve one bedroom and the landing. As a circulation area, the landing has a window which is likely to see less use than that of a bedroom. The proposed rear first floor windows at the host dwelling would serve two bedrooms, and thus two habitable rooms. The proposed layout at the host dwelling would therefore additionally materially increase the likely frequency of overlooking from its rear windows.
7. The proposal would consequently result in a material reduction in the privacy of users of the garden to No 3. This would be irrespective of the partial oblique angle of the common boundary, which would have minimal effect on the concerns I have identified above because it affects the end of the garden. The resulting harm would be unacceptable because several existing areas of the garden are visible from No 4 and the patio currently offers the main privacy available to occupiers.
8. Furthermore, I am required to assess the living conditions of the occupiers of No 3 which result from current development at the site, as set out above. Therefore the historic level of overlooking which may have been possible between the properties as originally designed does not provide justification for the appeal proposal.
9. The surrounding area is characterised by rear gardens with a spacious outlook which derives from the generous spacing of surrounding development. The garden at No 3 shares this character, and the unobtrusive single storey scale of its rear extension and that of the host dwelling allows for a sense of space which makes a positive contribution to it.
10. The ridge line of the proposed extension's roof would match that of the host dwelling, and its area would reflect that of the existing extension. The proposed development would consequently replace views over the host dwelling's extension with a significant projection of built form which would result in harm to the spacious outlook from the garden at No 3. This would be irrespective of design features of the proposal, which could not overcome the replacement of a spacious area with an extension of substantial proportions.
11. The harmful effect would be most apparent from the patio at No 3, which lies adjacent to the dwelling and hence is likely to be subject to the most regular use. The harm would be moderate because the garden at No 3 has a generous size and thus the outlook from a proportion of it would be less affected and would retain a spacious character.
12. In terms of the effect on outlook from the dwelling at No 3, the reconfiguration of that dwelling in accordance with its rear extension scheme¹ results in the use of its nearest first floor windows to No 4 for a bathroom and landing. Whilst the bathroom window is likely to be obscure glazed, some limited harm to the outlook from the landing window would occur due to the proximity and scale of the proposed extension. However, this is unlikely to be significant because the landing is a circulation area rather than a habitable room, and because an open outlook over the garden and beyond would remain.
13. The outlook from the kitchen at No 3 would be affected to some degree due to the presence of a glazed roof lantern within its ceiling. The outlook from the

¹ Local Planning Authority reference: 2017/1886/H

- two kitchen windows would, however, be generally unaffected by the proposal due to their available lines of sight.
14. Nevertheless, the proposal would be out of keeping with the generally spacious outlook of gardens at this edge of village location. This would be irrespective of the distance between the proposal and the dwelling at No 3 or small differences in the building lines of the two, due to the scale of the development proposed and its high level of visibility within the outlook from the patio at No 3. As a result of the above factors, the proposal would cause unacceptable harm to the living conditions of the occupiers of No 3 with regard to outlook.
 15. The extension is likely to result in a reduction in the levels of sunlight and daylight available to the occupiers of No 3 whilst using their patio, kitchen and dining area, due to the scale and proximity of the development to the roof lantern and patio at No 3. However, these areas to the rear of No 3 lie to the north and east sides of the property and hence they are already likely to be subject to limited sunlight and daylight during the latter part of the day in particular. Furthermore, the kitchen area has dual aspect windows which would be less affected by the proposal due to their location, and which would still allow for the admission of sunlight and daylight to the kitchen and dining area. The garden at No 3 has a generous size and hence a reasonable area is likely to remain unaffected by the proposal in terms of light.
 16. The Council considers that the proposal would result in an unacceptable loss of light to a first floor rear bedroom window at No 3. However, plans for the scheme for the rear extension to that property show a reconfiguration of the rooms so that the nearest first floor windows to the appeal proposal would serve a bathroom and landing. The rear extension at No 3 appears largely complete and there is nothing before me to suggest that the proposed reconfiguration has not taken place. Therefore the nearest windows to the proposed development would serve areas in which harm by loss of light is less likely to be significant. Thus, and in view of the existing limitations on the light available to these rooms due to their northerly orientation, the proposal would be unlikely to cause a significantly harmful reduction in light to these rooms.
 17. The appeal includes only limited evidence of the effect of the proposal on sunlight and daylight at the property. Therefore, in view of my above conclusions, the available evidence does not suggest that the extension would unacceptably reduce levels of sunlight and daylight at No 3.
 18. Nevertheless, the proposal would cause unacceptable harm to the living conditions of the occupiers of No 3 Stocks Hill with regard to privacy and outlook. It would consequently conflict with Policy DM 3.13 of the South Norfolk Local Plan Development Management Policies Document (2015) ("the DMPD"), which states that particular regard will be paid to avoiding overlooking and overbearing impacts as a result of development.

Other Matters

19. The Council relies in part on Policy DM 3.4 of the DMPD in refusing permission. This policy concerns extensions and conversions within development boundaries. However, the appeal site lies in the countryside and therefore it is outside such boundaries. Policy DM 3.4 consequently has limited relevance to the main issue of this appeal.

20. I note the appellants' concerns regarding the Council's approach. However, these are not matters for this appeal, which I have determined on its planning merits.

Conclusion

21. I have found that the proposal would not unacceptably reduce levels of sunlight and daylight at No 3 Stocks Hill. However, this would be a neutral effect and would not outweigh the harm I have identified regarding the effect on the living conditions of the occupiers of that property with regard to privacy and outlook. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR