



Appeal Decision

Site Visit made on 13 October 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/F3545/D/19/3244063

Little Park, Upper Town, Pakenham, Bury St Edmunds, Suffolk IP31 2LA

- 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 Colin Hawes against the decision of West Suffolk Council.
 - The application Ref DC/19/1849/HH, dated 5 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed is the installation of two Velux windows in the roof on the east elevation.
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Decision

1. The part of the appeal that relates to the Velux window serving the bedroom is dismissed.
2. The part of the appeal that relates to the Velux window serving the bathroom is allowed and planning permission is granted for the installation of one Velux window in the roof on the east elevation at Little Park, Upper Town, Pakenham, Bury St Edmunds, Suffolk IP31 2LA, in accordance with the terms of the application Ref DC/19/1849/HH, dated 5 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2216/LO 01A and 2216/LO 11A only in so far as they relate to the Velux window which serves the bathroom.

Appeal Procedure

3. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. A split decision has been recommended (in accordance with s79(1)(b) of the Town and Country Planning Act 1990 (as amended) allowing only part of the proposal. This has been done on the basis that the two parts of the proposal are severable.
5. It was noted during the site visit that one rooflight had been installed on the eastern side of the property and two rooflights had been installed on the front elevation.

Main Issue

6. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, Christmas House, with regards to privacy.

Reasons for the Recommendation

7. The appeal property is a detached bungalow with additional habitable accommodation in the roof and a single storey outbuilding adjacent to the road. It is located in a rural setting, surrounded by several other detached residential properties. The two rooflights would serve a first-floor bathroom and bedroom. The plans show that the rooflight serving the bathroom would be obscure glazed and the rooflight serving the bedroom would have clear glazing.
8. The proposed rooflight serving the bedroom would be around 6 metres from the boundary, shared with the neighbouring property Christmas House, and there is a high fence between the properties. However, the proposed window would be high up the roof slope and views from it over the fence into the neighbour's rear garden would be possible. The proposal would have a cill height of 1.7m which would assist in limiting opportunities for overlooking. However, any views from the rooflight would be directly over the neighbour's private amenity space and would be exacerbated by the sizable width of the window. The effect would adversely affect the neighbour's privacy and have a harmful impact on their living conditions.
9. The rooflight would provide natural light, ventilation and an escape route in the event of a fire, to the bedroom. However, this would not overcome the harm found to the living conditions of the neighbouring occupiers. As seen during the site visit, two rooflights also providing light, ventilation and an escape route have already been installed on the front elevation of the property serving the same bedroom, which do not compromise the privacy of the neighbouring dwelling. These have possibly been carried out under permitted development rights, and the existing flue appears to have been removed or relocated.
10. As the rooflight on the side elevation serving the bathroom would be obscure glazed this would limit the overlooking impact. It would maintain the privacy of the occupiers of the neighbouring dwelling, and hence this aspect of the proposal is acceptable
11. In conclusion, the proposed Velux window serving the bedroom would be contrary to policies DM2 and DM24 of the West Suffolk Joint Development Management Policies Document (2015), which seek to ensure new development does not adversely affect the amenities of occupants of nearby properties by reason of overlooking. However the proposed bathroom window would accord with these policies.

Other Matters

12. The appellant has stated that they consider the outcome of the application has been influenced by lobbying and has not been fairly considered by the Council. However such matters do not affect my consideration of the planning merits of the proposal.

Conditions

13. With regard to the Velux window serving the bathroom, in addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty.

Conclusions and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed in so far as it relates to the Velux window which serves the bedroom, but allowed in respect of the Velux window which serves the bathroom.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal in respect of the Velux window serving the bedroom is dismissed, but in respect of the Velux window serving the bathroom, is allowed subject to conditions.

Andrew Owen

INSPECTOR