



Appeal Decision

Site visit made on 8 January 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 10 May 2021

Appeal Ref: APP/K2610/W/20/3261737

50 Blackwell Avenue, Sprowston, Norwich NR7 8XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The application is made by Ms Emily Williams against the decision by Broadland District Council.
 - The application, ref. 20201296, dated 4 July 2020, was approved on 23 September 2020 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a two storey rear extension.
 - The condition in dispute is No.3 which states that: 'Before the first occupation of the building the window shown on the submitted plans on the first floor north eastern elevation as agreed within the email correspondence received on 15 September 2020 (labelled as Additional Window Information) shall be permanently formed with obscure glass to a specification of not less than the equivalent of classification 3 of Pilkington Glass..'
 - The reason given for the condition is: 'To prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.'
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Decision

1. The appeal is allowed and the planning permission Ref 20201296 for the erection of a two storey rear extension at 50 Blackwell Avenue, Sprowston, Norwich NR7 8XN, granted on 23 September 2020 by Broadland District Council, is varied by deleting condition No.3.

Preliminary Matter

2. The application involves elements such as the erection of a two storey rear extension. Given that the only dispute between the parties is with relation to the subject window to the side elevation, I have no reason to revisit the principle of the two storey rear extension and matters will only concern the dispute around the window to the side elevation.

Background and Main issue

3. The two storey extension subject to the planning permission on the appeal site had already been constructed at the time of my site visit along with the window in question. During the application process there were concerns with regards to overlooking into the property opposite Blackwell Road (No.52 Blackwell Road) and a pre-occupation condition was placed on the permission which sought to mitigate any overlooking opportunities by seeking a permanent obscuring of the glass to this bedroom. I have made my decision on this basis.

4. Therefore, the main issue is whether Condition No.3 is necessary and reasonable, having regard to the living conditions of occupants of surrounding properties in respect of overlooking and privacy.

Reasons

5. The appeal site is located on the corner of Fairstead Road and Blackwell Avenue and contains a two storey semi-detached dwelling that has its side wall along the boundary of Fairstead Road. To the opposite side of Fairstead Road to the appeal site is No.52 Blackwell Road, a detached bungalow. The private amenity space of this dwelling is to the front and side of the dwelling, and a small component to the rear, with much of its former garden now being developed for housing. The side boundary of No.50 Blackwell Road, fronting Fairstead Road has a boundary fence which is approximately 1.8 metres tall. Dwellings in this area appear to date from the mid twentieth century in a planned estate of detached and semi-detached dwellings with similar designs, setbacks and spaces in and around dwellings.
6. According to the Officer Report, the distance between the subject window on the side elevation of the appeal site and No.52 Blackwell Road is approximately 13 metres. Whilst there is no guidance in the Council's Policy GC4 of the Broadland Development Management Development Plan Document 2015 (DPD) of acceptable distances, the policy seeks to avoid any significant detrimental impacts and to consider the amenity impacts of existing residents. Given this built-up area of residential dwellings, the current situation and distances between first floor windows and private amenity space is not uncommon, and in some instances, such as examples provided by the applicant¹, circumstances are very similar, and more constrained than this circumstance.
7. The current fence provided along Fairstead Road would also add to the screening of the private garden space to the side garden and whilst there may be some overlooking, it would not be to the extent that it would cause significant detriment to the occupiers of No.52 Blackwell Road. On this basis, the obscuring of the window to the side elevation is not required in order to make the scheme acceptable.
8. Consequently, and in conclusion of this matter, the window in question would not lead to significant detriment to the living conditions of No.52 Blackwell Road and would be in conformity with Policy GC4 of the DPD which seeks to achieve high quality design which does not cause significant detriment to the living conditions of existing residents. As such, Condition No.3 does not meet the tests of reasonableness and would be unnecessary in this instance.

Conclusion

9. For the reasons given above, the appeal is allowed.

J Somers

INSPECTOR

¹ 48 & 50 Blackwell Road; Fairstead Road Development Broadland Council Ref: 20161501;