



Appeal Decision

Site Visit made on 12 October 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/V0510/D/21/3278901

6 Isinglass Close, Cheveley, CB8 8HX

- 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 Nathan Stewart against the decision of East Cambridgeshire District Council.
 - The application Ref 21/00697/FUL, dated 29 April 2021, was refused by notice dated 28 June 2021.
 - The development proposed is a two-storey rear extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension and associated works at 6 Isinglass Close, Newmarket, CB8 8HX in accordance with the terms of the application, Ref 21/00697/FUL, dated 29 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-6428-02 (April 2021) and P-6428-03 (April 2021).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the application form section 5.

Appeal Procedure

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

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that the parties have not made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to them.

4. I am aware that there is another appeal¹ which has been submitted on the same site for a similar scheme, with a smaller window serving bedroom one. That appeal is the subject of a separate decision which has been allowed and granted planning permission. Accordingly, this is a material consideration which I will have regard to in this decision, although the scheme will be determined on its own merits.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, 115 and 117 Centre Drive, in relation to privacy.

Reasons for the Recommendation

6. The appeal property is a two-storey detached dwelling with an existing single storey projection to the side and rear. The surrounding area is residential in nature, with the dwellings on this side of Isinglass Close adjoining the rear boundary of the dwellings on Centre Drive.
7. The Design Guide Supplementary Planning Document (SPD) (2012) requires the rear elevation of any dwelling to be located at least 10m from the rear boundary. The proposed rear elevation of the two-storey rear extension would be 5.6 metres from the rear boundary and therefore would not comply with this guidance.
8. The rear window on the first-floor extension would be closer to the boundary than the existing rear windows. Whilst this would provide views into the rear gardens of Nos. 115 and 117, these would be similar to views from the existing three first floor windows on the rear of the dwelling, all of which serve bedrooms. The increased proximity to the rear boundary, would not be substantial enough to result in significantly worse overlooking than at present. Furthermore, the dwellings at Nos. 115 and 117 are a sufficient distance from the boundary to prevent any overlooking into the rear windows of these properties.
9. It is noted that the proposed first floor window on the rear elevation is a Juliet balcony. However, although a larger window, there is no elevated terrace or outdoor areas for seating. Views would be akin to a smaller window and would not result in an increased loss of privacy.
10. Although it would not comply with the SPD, the proposed development would not result in significant harm to the living conditions of the neighbouring occupiers and would not conflict with Policy ENV 2 of the East Cambridgeshire Local Plan (2015). This Policy seeks to ensure that development does not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Conditions

11. A condition requiring the development to accord with the approved plans has been included, as this provides certainty and precision. A condition requiring the use of materials to be in accordance with those stated on the application form is also necessary to ensure an appropriate appearance for the development.

¹ APP/V0510/D/21/3282066

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

George Baird

INSPECTOR