



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST January 2021

Appeal Ref: APP/U2615/W/21/3274259

96 Victoria Road, Gorleston, Great Yarmouth NR31 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Claire Smith against Great Yarmouth Borough Council.
 - The application Ref 06/20/0629/F, is dated 16 November 2020.
 - The development proposed is described as ground floor rear extension with re-roof to include accommodation over.
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Decision

1. The appeal is dismissed and planning permission for ground floor rear extension with re-roof to include accommodation over is refused.

Procedural Matters

2. The Council has drawn my attention to changes in local planning policy since the submission of the appeal I understand that the Great Yarmouth Local Plan Part 2 (2021) (the Local Plan) has been adopted. The appellant was given the opportunity to comment on this change. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

3. This appeal has been lodged following the Council's failure to determine the planning application. The Council in their appeal statement have referred me to an earlier refusal for the same development at the appeal site¹. The Council confirm that had they been able to determine the application the reason for refusal previously given would be unchanged with the exception of reference to Policies A1 and H9 of the Local Plan which supersedes Policy HOU18 of the Great Yarmouth Borough-wide Local Plan (2001) referred to in the previous refusal.
4. The Council considers the main issue in relation to the proposal to be the effect on the living conditions of the occupiers of the neighbouring property, No. 94 Victoria Road. I do not disagree with this.

Reasons

¹ Application Reference: 06/20/100/F

5. The appeal site is a semi-detached property within a residential area characterised predominantly by varying designs of detached and semi-detached properties, many of which have been extended or altered. The development proposes an extension to the rear of the existing flat roof single storey side addition and includes a pitched roof which extends beyond the eaves of the existing two storey property. The proposal includes accommodation at first floor within the proposed pitched roof.
6. I understand that there is an approved scheme² for the site which includes a rear extension with the same footprint as the proposal before me. However, the pitched roof approved is lower than the proposed development and does not include accommodation at first floor.
7. The adjacent property No. 94 Victoria Road has windows facing the appeal site. Whilst the proposed development would not extend the built form closer to the shared boundary, the increased height and mass would be a dominant and overbearing feature when viewed from No. 94.
8. The appellant has provided images in an attempt to demonstrate the proposed development would not result in further loss of light to the occupiers of No. 94. Notwithstanding this I am not persuaded that the proposed development would not overshadow the adjacent property given its orientation and scale.
9. I find that the proposed development would harm the living conditions of the occupiers of the neighbouring property, No. 94 Victoria Road. There is conflict with Policies A1 and H9 of the Local Plan which seek amongst other things to protect the living conditions of occupiers of neighbouring properties.
10. There is conflict with the National Planning Policy Framework (2021) which seeks to ensure development has high standards of amenity for existing and future users.

Conclusion

11. For the above reasons I conclude that this appeal should be dismissed and planning permission is refused.

C Pipe

INSPECTOR

² Application Reference: 06/20/0397/F