
Appeal Decision

Site visit made on 22 February 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/H0520/D/21/3281315

6 St Neots Road, Abbotsley PE19 6UU

- 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 Ms Brasca against the decision of Huntingdonshire District Council.
 - The application Ref 21/00636/HHFUL, dated 15 March 2021, was refused by notice dated 11 June 2021.
 - The development is Proposed Multiple Extensions and Internal Alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the living conditions for the occupants of 4 St. Neots Road, having particular regard to privacy and outlook; and
 - ii) the character and appearance of the surrounding area.

Reasons

Living Conditions

3. The appeal site is occupied by an extended, end of terrace dwelling with generous private amenity space to the rear. However, the alignment of the dwelling and the garden is such that the amenity space is angled away from the rear façade of the original dwelling. This has the effect of the rear elevation of the original dwelling being angled directly towards the amenity space which serves No 4 St Neots Road.
4. In its current form, the rear elevation of the existing building presents two windows at first floor level which are in close proximity to the shared boundary, and therefore close to the adjoining garden. One window serves a small bedroom and the other, smaller window, serves a bathroom. Both windows provide direct and elevated views towards the neighbouring garden. Accordingly, they severely compromise the privacy of the adjoining space.
5. The proposal would introduce a rear extension above an existing flat roof rear projection. This extension would also provide a window at first floor level but in a location that would be closer to the shared boundary. As a consequence, in my judgement, the detrimental views that are already afforded by the existing bedroom window would be made demonstrably worse. The window would

remain in an elevated position but would move closer to the amenity space. Accordingly, it would directly overlook the neighbouring garden in a manner that would be severely dominant and imposing.

6. The extension would also include a second window that would be splayed away from the garden. However, this design feature would not result in a meaningful improvement to the privacy levels currently experienced by the adjoining neighbour. The window that it would replace is small, and direct views from the window are restricted somewhat by the presence of existing extensions. The existing bathroom window is also less imposing when viewed from the neighbouring garden. Consequently, in my judgement, the improvements that would be offered by this design feature would be limited.
7. In contrast, the impact of bringing the first-floor window closer to the shared boundary would materially harm the living conditions for the occupants. The views achieved would not substantially alter, but the dominant and imposing nature of the window would increase when viewed from the garden. Such close proximity for an elevated window would entirely dominate the adjacent garden and as a consequence, worsen an already poor relationship. The window would loom over the neighbouring garden, and its mere presence in its closer location would have a substantially overbearing and oppressive effect which would entirely compromise privacy.
8. I note the appellant's reference to an existing outbuilding which is used for business purposes by the neighbour. However, this building occupies the neighbouring site and is used by the neighbouring occupants. Accordingly, any impact on privacy this may cause would be self-inflicted and could be managed by the neighbour however they see fit. The proposal would have a materially different effect on privacy and would be imposed by the appellant, rather than the occupant. The presence of this outbuilding does therefore not alter my findings in relation to this matter.
9. Despite my findings set out above, I am satisfied that the bulk and scale of the additions would not unduly harm the living conditions, and therefore I find that this aspect of the proposal would not be unduly overbearing. However, the proposed window location would cause demonstrable harm for the reasons identified above. Consequently, I conclude that the proposal would harm the living conditions for the occupants of the neighbouring property. It would therefore fail to comply with Policy LP14 of Huntingdonshire's Local Plan to 2036 (LP) which seeks to safeguard amenity for occupiers of neighbouring buildings, with particular regard to loss of privacy.

Character and Appearance

10. The appeal site is located within the Abbotsley Conservation Area (CA). Accordingly, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of that area.
11. The village hosts a variety of architectural styles and these combine to generate an interesting urban grain. The appeal site is a historic, end of terrace dwelling. It is prominently located and due to its appearance and the surrounding context, the site makes a positive contribution to the CA.

12. The original property would have been of a modest scale however, it has been substantially extended to the rear and side. The proposal would introduce further extensions to the rear and side of the property. To the rear, the proposal would introduce a first floor extension that would span beyond the full width of the extended property. It would take the form of two projecting gable ends, one deeper than the other. Due to the width and depth of the proposed extension, the overall bulk and mass would overwhelm the original form of the building. The extension would entirely dominate the rear elevation, introducing a bulk that would be significantly at odds with the more modest scale of the original building.
13. The proposal would also result in a small increase in size to the existing side extension. This would introduce an element of built form at first floor level which would project over an existing entrance door. The proposed rear extension would also project beyond the side extension. I find these elements of the proposal to be somewhat clumsy in their appearance. However, due to the location of the appeal site and the neighbouring property, only very limited glimpses would be afforded to this aspect of the proposal.
14. I note that No 4 benefits from a large rear extension, however, due to the central location of this property within the terrace, the form and scale of the terrace can still be appreciated. In addition, the proposal would be substantially wider than the original dwelling and therefore its bulk and mass would be significantly larger than the neighbouring extension. On this basis, I do not find the two extensions comparable.
15. The level of harm caused by the proposal to the CA would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) therefore requires that this harm be weighed against any public benefits that the proposal would generate. In this regard, I note that the overall aim of the proposal is to improve the usability of the property, and that the extension has undergone a thorough design and evaluation process. However, this principally represents a private benefit and therefore attracts very little weight in favour of the proposal.
16. Paragraph 199 of the Framework requires great weight to be given to the asset's conservation. Although the harm would be less than substantial, when giving great weight to this harm, I am satisfied that it would significantly outweigh the benefits that have been identified.
17. Consequently, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policies LP11 and LP12 of the LP, as well as guidance contained within the National Design Guide. Taken together, these seek well designed proposals which respond positively to context.

Other Matters

18. Within the evidence before me, there is reference to revised plans which were not accepted by the Council. It is not for the appeal process to solicit revised drawings, and I am required to assess the proposal on the basis of the evidence before me. Accordingly, I have determined the appeal against the drawings refused by the Council.

Conclusion

19. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR