
Appeal Decision

Site visit made on 15 February 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15TH March 2022

Appeal Ref: APP/H0520/W/21/3284191

60 Folksworth Road, Norman Cross PE7 3SP

- 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 & Mrs V Jayaswal against the decision of Huntingdonshire District Council.
 - The application Ref: 20/02563/HHFUL dated 19 December 2020, was refused by notice dated 13 July 2021.
 - The development proposed is a first floor extension and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension and associated alterations at 60 Folksworth Road, Norman Cross PE7 3SP in accordance with the terms of the application, Ref: 20/02563/HHFUL, dated 19 December 2020, 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: K1454-01 Site & Location Plans but only in respect of the identification of the location of the site, K1454-04 Rev F Proposed Layout, K1454-05 Rev E Proposed Elevations.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. K1454-05 Rev E Proposed Elevations.
 - 4) The development hereby permitted shall not be occupied until the windows marked to be obscurely glazed and fixed below 1.7 metres above Finished Floor Level shall have been constructed in accordance with the details shown on plan nos. K1454-04 Rev F Proposed Layout and K1454-05 Rev E Proposed Elevations and shall thereafter be retained.

Procedural Matter

2. The appellant submitted amended plans with the appeal. These removed external first floor supported terrace balconies that were proposed on the rear of the property and altered the use of one of the rooms on the western elevation so that it would be a dressing room, rather than a bedroom. The window to this room would be obscurely glazed and fixed below 1.7 metre (m) above finished floor level. A rooflight is also now proposed to serve this room.

Related minor changes to the internal layout are also proposed, and to the rear elevation.

3. The changes themselves are of a modest nature and seek to address the Council's concerns in respect of the effect of the proposal on the living conditions of the occupiers of a neighbouring property, as well as the future occupiers of the proposal itself. The Council and interested parties have had the opportunity to comment on the amended plans in accordance with the usual appeal timetable.
4. On this basis, and applying the *Wheatcroft Principles*¹, the development is not so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Hence, I have considered the amended plans in my decision.
5. In considering the amended plans, the Council's position is that the second reason for refusal has been overcome in as far as the plans address its disturbance concerns, although not privacy, and that the third reason for refusal has been overcome in its entirety. Accordingly, I have dealt with the appeal on this basis.

Main Issues

6. Taking into account the above, the main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 62 Folksworth Road (No 62) by way of privacy.

Reasons

Character and Appearance

7. The appeal property comprises a large, detached bungalow that is set on an expansive plot of land. It is fairly modern in its construction and contains twin front gables as features on either side of its porch. It lies at the end of a row of detached properties that also lie on large plots. Most are also bungalows, albeit there are differences in their design and the majority appear to have converted their roof space to form a first floor.
8. More broadly, the site is found in a semi-rural location. There are fields adjacent and close by, but there are also further dwellings towards the nearby A1M motorway junction. The row of properties where the site is found is separated from the main built up area of Folksworth, which lies well to the south-west.
9. The proposal would add a further storey of accommodation to the entirety of the footprint of the existing bungalow. In effect, it would become a detached house of not insignificant proportions. The roofline would however be kept at a moderate level so it would not be viewed to appreciably exceed that on the neighbouring bungalow at No 62. Whilst it would be sited forward of much of its neighbour, it would still be aligned with a lower front projection on that property.
10. It is also not unusual for part of a property to be seen in the context of a neighbour when, as is the case here, properties are located relatively close together. That the extended appeal property would unquestionably appear

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- larger would not result in a particular detriment to the area. As a consequence, its scale and bulk would not appear out of keeping.
11. The proposal would also maintain twin gables as a design feature of the front of the property. Whilst they would be visible from the streetscene as they would be increased in height, this would not amount to failing to respect the character. The extended property would maintain a fairly balanced appearance. It would also maintain the individual designs of these properties and so despite the predominance of bungalows, notwithstanding that they largely have their own first floor accommodation, this would not result in the proposal being incongruous.
 12. As the existing appeal property is the first in the row, its side is evident when the site is approached from the direction of the A1M junction. Whilst this effect would be enhanced under the proposal because of the added storey of accommodation, it would not make it unduly prominent because it would be viewed over a roadside hedgerow and part of the adjoining field. It would also be set in from this side boundary with the field. The facing side elevation would be fairly plain and so it would not draw particular attention to itself. From the opposite direction, visibility would be more limited because of the screening afforded by the other dwellings.
 13. Concerning broader impacts on the countryside, the proposal would be entirely contained within the site and on the footprint of the existing dwelling. It would be simply a larger property at the end of an established row of dwellings. The intrinsic character and beauty of the countryside would be maintained as the open fields which largely make up this character would not be impacted. Overall, it would not result in significant and demonstrable harm to the character and appearance of the area.
 14. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policies LP10 part b), LP11 and parts a, b and c of LP12 of the Council's Huntingdonshire's Local Plan to 2036 (2019) (Local Plan) which concern the intrinsic character and beauty of the countryside; distinctive high quality and designed places; positively contributing to the area's character and identity, successfully integrating with adjoining buildings and creating attractive and appropriately scaled built frontages, amongst other considerations.
 15. The proposal would also comply with the National Planning Policy Framework (Framework) which is concerned with achieving well designed places and recognising the intrinsic character and beauty of the countryside. It would also accord with parts C1 and I1 of the National Design Guide (2019, last updated 2021) (NDG) where it involves the consideration of context, local character and identity, and similarly with regard to paragraphs 3.7 and 3.8 of the Huntingdonshire Design Guide Supplementary Planning Document (2017) (SPD) which concern building form and detailing.
 16. The Council has also referred to parts P1 and P2 of the NDG in its reasons for refusal. These relate to public spaces and so they are not directly applicable to the proposal. Consequently, they have a limited bearing on my decision.

Living Conditions

17. To the rear of the property at No 62 is its enclosed rear area. With the removal of the rear balcony terraces, the relationship with the rear of No 62 would be of a more conventional nature. The bedroom windows on the rear of the proposal would face over its own rear garden and any views over that of its neighbour would be indirect. The level of overlooking would thus not be untoward.
18. Nor would the proposal result in an undue perception of being overlooked. The number of proposed full length windows and the high level triangular windows would not change how this fenestration would face more directly over the appeal property's own rear garden, rather than towards its neighbour.
19. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 62 by way of privacy. As a result, it would comply with Policy LP14 of the Local Plan where it states that a high standard of amenity is to be maintained for users and occupiers of neighbouring land and buildings, including that a proposal will not result in overlooking causing loss of privacy, amidst other considerations.
20. The proposal would also comply with the Framework where it seeks to ensure a high standard of amenity for existing users and with page 146 of the SPD where it is concerned with extensions and amenity, including loss of privacy.

Other Matters

21. In relation to the loss of a bungalow and the need for such accommodation for elderly persons, the evidence I have on local need is of a limited nature. Permitted development rights also exist which could be utilised to create a first floor through the use of a dormer roof extension, without potentially the need for planning permission. Whilst I am not unsympathetic in this regard, it does not change my conclusion.

Conditions

22. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans that show the proposal for the purposes of certainty. Drawing reference K1454-01 is only included in respect of the identification of the location of the site because the site plan on that drawing relates to plans that have now been superseded.
23. I have also imposed conditions concerning details of the external materials, as is shown on the submitted plans. This is in order to protect the character and appearance of the building and the area. A condition is also imposed concerning the obscure and non-opening windows, also as shown on the submitted plans. This is in order to protect the privacy of both the occupiers of No 62 and the future occupiers of the proposal. Where I have changed the wording of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall intention.

Conclusion

24. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR