
Appeal Decision

Site visit made on 20 April 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th April 2022

Appeal Ref: APP/F2605/D/21/3279096

Walnut Cottage, Ash Close, Swaffham PE37 7NH

- 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 and Mrs Overman against the decision of Breckland Council.
 - The application Ref 3PL/2021/0103/HOU, dated 14 January 2021, was refused by notice dated 23 April 2021.
 - The development proposed is a new floor extension to existing house and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook; and
 - the effect of the development upon the character and appearance of the Conservation Area.

Reasons

Living conditions

3. The appeal site is located within a predominantly residential area. Dwellings are typically arranged in a linear pattern, albeit with dwellings being set back from the highway by a varying amount. The appellant's dwelling is constructed close to the site's boundaries. The proposed development would result in an increase in the height of the appellant's dwelling.
4. Although the proposed development would result in some of the first-floor space being sited within the roof of the building, the proposed development would result in a significant increase in the height of the dwelling. By reason of the proximity of the development to the boundaries of the site, combined with the height of the proposal, the extension would have an overbearing and enclosing effect upon the gardens of the neighbouring properties in Ash Close.
5. This factor would be exacerbated by the change in the roof shape of the appellant's dwelling from the current hipped roof to a gable end. This would therefore contribute to a building of a significantly greater bulk and mass than is currently the case.

6. The consequence of this is that the development would therefore result in a lack of outlook for the users of the rear gardens of the neighbouring properties that adjoin the appeal site in Ash Close. This would be exacerbated by the development being notably taller than the site's boundary treatments.
7. This is a particular concern given that the rear garden of the neighbouring properties are the only areas where residents might undertake private outdoors recreation. In consequence, the proposed development would result in a reduced ability to use these spaces. Therefore, the lack of outlook would be particularly significant and adverse.
8. By reason of this relationship, the proposed development's increase in height and scale would lead to a significant enclosing effect upon the side windows of the neighbouring dwellings in Ash Close that face the appeal site. This would significantly reduce the overall level of outlook available for occupiers of the neighbouring dwellings owing to the enclosing effect created by the proposed development's increase in height.
9. Whilst there is some distance between these side windows and the siting of the proposed development, this distance is not overly large. Furthermore, the topography of the appeal site and the vicinity is relatively level. This means that the development would be readily perceptible when viewed from the surrounding properties. In consequence, this distance does not overcome my concerns.
10. Although the side elevation of the neighbouring dwelling of Basmar does not feature windows above the ground floor, this does not overcome my previous concerns.
11. Owing to the positioning of the proposed development, the extension would not result in a loss of outlook for the occupiers of the properties adjacent to the rear of the appeal site. Whilst this is a matter of note, it is only one of all the matters that must be considered. Therefore, this matter does not overcome my previous concerns.
12. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties in Ash Close. The development, in this regard, would conflict with the requirements of Policy COM03 of the Breckland Local Plan (2019) (the Local Plan). This, amongst other matters, states that developments will not be permitted, which causes unacceptable effects on the residential amenity of neighbouring occupiers.

Character and appearance of the Conservation Area

13. The appeal site is located within the Swaffham Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of relatively small, traditional designed buildings, with more modern dwellings alongside. Although dwellings are arranged in a broadly linear pattern, there are some differences in terms of setbacks from the edge of the road.
14. The proposed development would result in an increase in the overall level of built form at the appeal site. However, whilst this would lead to the creation of a dwelling that is substantially different, in terms of appearance, to the existing dwelling, it would be viewed alongside significantly different buildings. In

addition, the proposed development would not result in a significant erosion of the traditional architecture of the vicinity owing to the design of the original dwelling.

15. Furthermore, the proposed development would not result in a dwelling that would be significantly larger than some of the existing dwellings within the surrounding area. The development would not have an injurious effect upon the character of the CA in this regard.
16. Furthermore, the proposed development would not result in an increase in the footprint of the appellant's dwelling. This means that the proposed development would not create a dwelling that would be significantly divergent from the prevailing character.
17. Owing to the broadly linear pattern of the dwellings in the surrounding area and the relatively close-knit arrangement of dwellings in the vicinity, views of the appeal site and the proposed development would not occur from many vantage points in the surrounding area. This would further lessen the prominence of the proposed development and reduce its effect upon the character and appearance of the CA.
18. In addition, had I been minded to allow this appeal, I could have imposed a condition that would have secured the extension from being constructed from appropriate building materials. This would have ensured that the extension would be constructed from materials that would be complimentary towards the existing building and the surrounding area. In result, it would have been possible to ensure that the extension would have harmonised with its surroundings.
19. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the CA. The development, in this regard, would comply with Policies COM01, GEN02, HOU11 and ENV07 of the Local Plan and the Swaffham Neighbourhood Plan (2019). Amongst other matters, these seek to ensure that new developments preserve or enhance the special character of the historic environment; is sensitive to the character of the surrounding area; and respect the character of the existing dwelling.

Other Matters

20. The proposed development, through the imposition of appropriate planning conditions could secure the provision of obscure glazing, construction traffic management and tree protection measures. Whilst matters of note, they are only some of all the points that must be considered and therefore do not overcome my previous conclusions.
21. I have had regard to nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. However, given that I am dismissing this appeal, I do not need to give this matter further consideration for the development would not result in any change.

Conclusion

22. The proposed development would not have any adverse effect upon the character and appearance of the CA. However, this is outweighed by the adverse effect upon the living conditions of the occupiers of neighbouring

properties. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR