

Appeal Decision

Site visit made on 21 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH August 2022

Appeal Ref: APP/K2610/D/22/3300394
9 Overstone Court, Old Catton, Norwich NR6 7EN

- 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 Chris Venables against the decision of Broadland District Council.
 - The application ref. 20220082, dated 16 January 2022, was refused by notice dated 20 April 2022.
 - The development proposed is "Single storey side and 2 storey rear extension".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant says that a decision should have been made by the Council by 14 March 2022. Whilst it is regrettable that the decision was not issued sooner than it was, this does not affect the consideration of the proposal on its planning merits.
3. The proposal relies upon the insertion of a new window to an existing bedroom in the upper part of the original north-facing side wall. I have noted that the Council's description of the proposed development in its decision notice made reference to that window.
4. As suggested by the Council in its questionnaire, in addition to visiting the appeal property I also assessed the appeal proposal from within the rear conservatory and back garden of 10 Overstone Court.

Main issue

5. The main issue is the effect of the proposed extension upon the living conditions of the occupants of the neighbouring property at 10 Overstone Court with particular regard to the potential for overshadowing and overlooking.

Reasons

6. Overstone Court is a short cul-de-sac of detached two-storey houses linked by garages. The appeal property is one of the 4 houses (nos 8, 9, 10 and 11) on the western side of the road which are laid out in a staggered formation. Thus, the rear wall of the original main 2-storey building at no. 9 is set some distance back from the corresponding rear wall at no. 10 which is situated to the north.
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7. Having regard to the staggered layout of the houses, the position of the appeal property to the south of no. 10 and the distance of only about 2.8 m between the flank wall of the proposed 2-storey part of the extension and the common boundary fence, the proposed rear extension would be of sufficient height, scale and massing to cause a notable degree of overshadowing of the rear conservatory and back garden at no. 10. There would be a reduction in daylight reaching those areas. The passage of sunlight would also be interrupted especially during those times of the year when the sun is lower in the sky.
8. From the new window to the existing bedroom in the upper part of the original north-facing side wall, there would be clear and uninterrupted views from a short distance away down through the roof of the neighbouring conservatory and across virtually the whole rear garden of no. 10. This level of overlooking would create an increased threat to the privacy of the occupants of no. 10 and make their conservatory and rear garden less enjoyable places in which to be. The appellant suggests it could be a "high-level letterbox window". I have no details of this proposal and I cannot be sure that such a form of fenestration would prevent overlooking at the same time as allowing for reasonable living conditions within the bedroom.
9. The appellant claims that the proposed extension falls within permitted development parameters. No further assessment is provided to support this claim. As submitted, the proposed single-storey part of the extension would join onto the side of the 2-storey part of the extension and replace a conservatory. It would need to be shown that the whole extension would amount to permitted development. This would be unlikely given that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. I attach little weight to the appellant's claim but my findings are strictly for the purposes of this appeal. They do not prejudice any future application under section 192 of the 1990 Act for a lawful development certificate which is the correct process to follow should an appellant wish to ascertain whether development would be lawful.
10. I concur with the concerns raised by the Council and the neighbours at no. 10. I find on the main issue that the proposed extension would cause material harm to the living conditions of the occupants of the neighbouring property at 10 Overstone Court with particular regard to the potential for overshadowing and overlooking impacts. This would be contrary to Policy GC4 – Design of the Council's Development Management Development Plan Document which explains that proposals should pay adequate regard to considering the impact upon the amenity of existing properties.
11. There is conflict with the development plan. Good design is also a cornerstone of the National Planning Policy Framework. This would not be achieved. The harm cannot be mitigated by the imposition of conditions and it is not outweighed by other considerations. For the reasons given above and taking into account all other matters raised and the absence of objections from Old Catton Parish Council, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR