



Appeal Decision

Site visit made on 9 August 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2022

Appeal Ref: APP/V2635/D/22/3292256

Nursery Lodge Farm, The Street, Syderstone, KING'S LYNN, Norfolk, PE31 8SD

- 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 Michael Cooper against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01173/F, dated 10 June 2021, was refused by notice dated 6 December 2021.
 - The development proposed is the construction of a first-floor extension with a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extensions on the living conditions of the occupiers of neighbouring dwellings by way of light, privacy and outlook.

Reasons

3. Nursery Lodge Farm is a wide-fronted, single-storey dwelling, sitting on a substantial plot to the rear of a frontage property (The Bungalow) on The Street. To the south, lies open countryside; to the west there is a small estate of two-storey houses; to the east is a bungalow (Griffins) in a large plot; and to the north is The Bungalow, which fronts immediately onto the rear of the pavement of The Street. On the northern side of The Street is a row of two-storey houses set at a higher level above the road.
4. The dwelling at the appeal property is towards the rear of its plot and is set in some 5 metres from the western boundary, and around 2 metres from its eastern boundary with Griffins. There are 5 mature trees to the north of the plot and a mature hedge of trimmed trees some 3.5 metres high along the south-western boundary of the property with the adjacent No 4 Beechwood Court. There is a paddock to the rear of the plot. The dwelling itself is a low, wide bungalow with hipped roof and a small, rear extension on its eastern side. The proposed development would involve the construction of a first-floor above the whole of the existing bungalow, and a rear single-storey, flat-roofed extension across part of the existing rear elevation. The single-storey extension would extend out by the same depth as the existing rear extension.

5. Policy CS08 of the Council's Core Strategy (CS) indicates that new development should be of a high quality design. Policy DM15 of the Council's Site Allocations and Development Management Policies Plan (DMP) indicates that development proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including overlooking, outlook and impact on light.
6. The Council contends that the proposed development would appear unduly prominent to neighbouring dwellings, exacerbated by the topography of the locality, and would create unacceptable overlooking and overbearing issues to the detriment of residential amenity.
7. The appellant contends that the side windows in the east elevation would be fitted with obscured glazing, and any part of the windows less than 1.7 metres above the floor would be non-opening. In addition, the appeal dwelling is set at a level lower than that of dwellings further north due to the topography of the area. Finally, by virtue of separation distances, relative positions of dwellings, and the existence of trees, boundary hedges, and an adjacent garage building, there would be no unacceptable loss of privacy, light or outlook.
8. Views into and out of the appeal property from and to The Street and The Bungalow are significantly restricted by the mature trees in the northern part of the plot. To the west, the proposed first floor extension would be largely screened from No 4 Beechwood Court by the existing mature hedgerow trees. I acknowledge that there can be no guarantees that such a boundary would necessarily remain in place. Nevertheless, the appeal dwelling is sited some 5 metres from the boundary and there are no proposed windows in the western side elevation of the proposed extension. No 4 is situated to the west/south-west of the existing bungalow on the appeal plot and I do not consider that the proposed first-floor extension would have any significant harmful effects on the light, outlook or privacy enjoyed by the occupiers of this neighbouring property.
9. To the north-west, No 5 Beechwood Court has a rear gable elevation and side elevation with first-floor windows, though these are at an angle from the appeal dwelling. There is some limited potential for overlooking into the rear of that property from the first-floor windows proposed at the western end of the dwelling, which serve what appears to be a bathroom/dressing room. Any privacy issues could potentially be overcome by use of a suitable condition relating to use of obscure glazing and windows with limited opening, though I have some reservations regarding the use of such a condition in the context of the mixed use of this area within the first-floor layout of the extension.
10. To the east, the neighbouring bungalow (Griffins) is located a short distance from the front elevation of the appeal dwelling. There is a large garage building sited close to the joint boundary towards the rear of the plot. The garage has a high pitched roof which currently screens much of the eastern elevation of Nursery Lodge Farm from the rear portion of the garden.
11. Griffins has a single-storey rear extension that includes a large window in the rear elevation. This window is relatively close to the front elevation of Nursery Lodge Farm. From the plans/information before me, it would appear that the nearest windows in the proposed first-floor extension to the rear elevation of

Griffins and the patio beside it, would serve a dressing room and a study, both of which could be classified as habitable rooms. Clear views from these windows would raise significant overlooking issues into the rear window of Griffins and the adjacent private amenity space at the rear of the dwelling. Moreover, the proposed dressing room is large and would have the potential to be later reconfigured as a separate bedroom, as would the study.

12. I consider that the overlooking into the rear of Griffins from the first-floor windows at the eastern end of the extension, from relatively close proximity, would represent significant harm to the occupiers of that property. An appropriate condition requiring the windows in the dressing room and adjacent study to utilise obscure glazing with limited opening would be necessary to overcome any privacy issues that would arise but, given the nature of these rooms and the potential for further conversion, I do not consider that such a condition could be made acceptable or appropriate in this case.
13. I have no precise details of sunlight or daylight factors arising from this proposal, but given the orientation of the buildings around the appeal site, and the limited distance between the appeal dwelling and neighbouring dwellings, I consider it likely that issues of overshadowing would result from the proposed extensions. Whilst these may be only limited, they would add to the harmful impacts on outlook and privacy that would result from the proposal.

Other Matters

14. There have been a number of objections to the proposal on the grounds of over-development of the site and the uncharacteristic nature of a two-storey dwelling replacing what is an existing bungalow. However, the prevailing character of the surrounding area is one of two-storey dwellings of varying size and design, while bungalows are uncommon. The Council did not raise any significant issues regarding design issues and I concur with that perspective.
15. The Council has raised the issue of the proposal having the fall-back position of constructing a very slightly smaller first-floor extension using permitted development rights. However, such permitted development rights are potentially subject to first obtaining Prior Approval from the Local Planning Authority and, on this basis, I do not consider that there is an automatic fall-back position in this case. Nevertheless, this is a separate matter that does not directly affect my considerations on the main issue given above.

Conclusion

16. In the light of the relationship of the appeal dwelling to the neighbouring dwelling "Griffins" to the north-east, I find that the proposal would be significantly harmful to the living conditions of the occupiers of that adjacent property by way of light and privacy. Given the nature of the proposed uses of the rooms at the eastern end of the proposed first-floor extension, I do not consider, from the evidence before me, that a suitable condition could be devised to overcome these issues. On this basis, the proposal would conflict with Policy CS08 of the CS and with Policy DM15 of the DMP.

J D Westbrook

INSPECTOR