

Appeal Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/F3545/W/22/3291869

Rose Bank, Burton End, Haverhill, Suffolk CB9 9AD

- 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 Mark Simpkin against the decision of West Suffolk Council.
 - The application Ref DC/21/1436/FUL, dated 9 July 2021, was refused by notice dated 15 December 2021.
 - The development proposed is two 2 storey, 3 bed semi-detached units with bin & bikes secure storage, car parking, new vehicular crossover onto York Road, boundary treatments and landscaping.
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Application for Costs

1. An application for costs was made by Mr Mark Simpkin against West Suffolk Council. The cost application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring residents with regard to outlook, light and privacy.

Reasons

4. The proposal would result in the side gable of the easternmost new dwelling being built in close proximity to the small rear gardens of the adjacent three storey terraced houses. Those properties are set at a lower level and have rear patio doors that open into their small gardens. The nearest property has a particularly small triangular garden. The appellant has provided an annotated plan which suggests that the distance from the patio doors to the rear of the side gable would be in the region of 7 metres. This distance would be shorter when considering an angled aspect from that ground floor opening. A similar relationship would result for the windows above.
 5. The presence of a two storey building in such close proximity to both the garden and windows of habitable rooms would be entirely unacceptable with regard to the outlook from both the neighbouring house and its garden. The changes in levels would add to this concern. The new house would be unacceptably overbearing for the residents of the nearest neighbouring
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- property when in their garden and their ground and first floor rear facing rooms. The relationship with the second floor rear facing room may be acceptable given it has an outlook from a greater height. The new building would also be overbearing when within the garden of the property next door but one, given that much of its small garden would be a similarly short distance away.
6. With regard to light, given the northerly aspect of the rear of the neighbouring properties, although light levels would be affected, I am not satisfied that there would be an unacceptable reduction in light within the rear facing rooms. The new houses would however block direct sunlight from the garden and rear patio doors of the adjacent dwelling, particularly during summer evenings. The increase in shade resulting from this proposal would be unacceptably harmful to the living conditions of those residents.
 7. The nearest new dwelling would have a first floor bedroom window that would look directly down into the neighbouring gardens and would allow for views back towards their rear facing windows. Given the very limited distances, this would be unsatisfactory and would reduce the amenities of the neighbouring residents with regard to privacy. Windows to bathrooms within this elevation and any lights used within them, although not adding to privacy concerns, would, given their very close proximity, also feel intrusive for the neighbouring residents.
 8. The proposal would result in unacceptable harm to the living conditions of the neighbouring residents with regard to outlook, direct sunlight and privacy. It would conflict with the requirement of policy DM2(g)(vii) of the West Suffolk Joint Development Management Policies Document 2015, that development does not affect adversely residential amenity. Reference is made to policy DM22 in the reason for refusal but I have not found the requirements of that policy to be directly relevant to neighbouring amenity. As policy DM2(g)(iv) accords with the amenity requirements of the *National Planning Policy Framework*, I afford it full weight.
 9. The appellant has made reference to the existing vegetation and the potential for future vegetation to have an imposing impact on the adjacent houses. Whilst outlook could undoubtedly be reduced and sunlight fully blocked, this is not currently the case. In any event, I am not satisfied that the impact of vegetation would be perceived as having the same harmful impact as a permanent and solid structure.
 10. The appellant has provided a sketch of an alternative internal arrangement which would omit the bedroom window in the flank wall. Different window types have also been suggested. Whilst overlooking from the bedroom could be designed out, it would not alter my other concerns. I must in any event, consider the plans that formed the application and were considered by the council.
 11. I have had regard to the lack of objections from the adjoining residents and the owners of those houses. I acknowledge that the two houses would contribute positively to housing supply in this accessible area. I do not consider that the proposal represents sustainable development given the amenity shortcomings but I afford the social and economic benefits of the two additional houses

considerable weight. However, I do not consider that these benefits are sufficient to outweigh my concerns. Furthermore, whilst I have not been provided with evidence of the council's housing supply position, I would in any event, even if there was a significant shortfall, find that the adverse impacts of this proposal, with particular regard to the amenities of the adjacent residents, would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* when taken as a whole. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR