



Appeal Decision

Site visit made on 13 December 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/V0510/D/22/3308005

4 Darbys Yard, Sutton, Cambridgeshire CB6 2RS

- 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 L Burch against the decision of East Cambridgeshire District Council.
 - The application Ref: 22/00764/FUL, dated 24 June 2022, was refused by notice dated 19 August 2022.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of Nos.3 and 5 Priors Court in respect of outlook.

Reasons

3. No.4 Darbys Yard is a modern mid terrace two storey dwelling located in a corner position. The rear of the building may be seen from other properties accessed by Darbys Yard. To the west there are the bungalows of Nos.3 and 5 Priors Court.
4. The Council considers that the proposed two storey side extension would not be a prominent feature and would not result in any harm to the streetscene or character and appearance of the area. I see no reason to disagree in view of the scale, proposed external materials and design of the extension. I note that the first-floor window in the proposed rear elevation that would be closest to No.5 Priors Court would serve an ensuite room and could therefore be required to be obscure glazed by the imposition of a condition. In that way any potential overlooking of the property of No.5 from that window could be reduced.
5. The proposed extension would be significantly closer to the boundary with the small rear garden of No.5 Priors Court. The appellants advise that the separation distance between the rear wall of the extension and the rear wall of No.5 of around 8.0 metres would not be much different to the separation distance between the rear wall of No.2 Darbys Yard and No.3 Priors Court, at approximately 8.3 metres. However, No.5 has a single storey rear extension

which would have a rear elevation that would be less than 8.0 metres from the rear wall of the proposed extension.

6. I note that the appeal proposal follows refusal of a previous scheme which was revised to include a full hipped roof. The proposal before me involves a small reduction in distance from the boundary of the extension with the rear garden of No.5 Priors Court, a smaller footprint of around 28 m² compared to 31 m² in the former scheme, plus around an 8% reduction in overall mass. The existing building of No.4 Darbys Yard and row of conifers already has some impact on the outlook from the rear garden of No.5 Priors Court and to the outlook from No.3 Priors Court, to a lesser degree. Nevertheless, despite the amendments to the proposal I consider that the height and proximity of the extension to the rear of the buildings of Nos.5 and 3 Priors Court would make it appear overbearing and would result in a significant detrimental increase in harm for the occupiers of the two bungalows in respect of loss of outlook.
7. The proposal would therefore conflict with policy ENV2 of the East Cambridgeshire Local Plan which amongst other things, indicates that development should have no significantly detrimental effect on the residential amenity of neighbouring occupiers. It would fail to comply with policy NP3 of the made Sutton Neighbourhood Plan which seeks to ensure that development does not have an unacceptable impact on the amenity of residents. It would also conflict with the objective of protecting residential amenity in the Council's Design Guide supplementary planning document and contained within the National Planning Policy Framework.

Conclusion

8. I have taken all other matters raised into account, including the lack of objection from the Sutton Parish Council. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR