



Appeal Decision

Site visit made on 31 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/W0530/W/22/3301670

30 Manor Road, Gamlingay SG19 3EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Matthew Brown against the decision of South Cambridgeshire District Council.
 - The application Ref 20/03845/HFUL, dated 15 September 2020, was approved on 31 May 2022 and planning permission was granted subject to conditions.
 - The development permitted is "Amendment to S/0371/08/F 'Extension to dwelling and erection of double garage/conservatory' to include the installation of a roof light and the removal of a first floor window on the southern elevation."
 - The condition in dispute is No 3 which states that "*The roof light window in the South facing elevation of the extension/building, hereby permitted, shall be non - opening and shall be glazed and permanently maintained with obscured glass at level of Pilkington level 5 or above.*"
 - The reason given for the condition is: "to safeguard the privacy of occupiers of the adjoining property."
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Decision

1. The appeal is allowed and the planning permission Ref 20/03845/HFUL for development described as "amendment to S/0371/08/F 'Extension to dwelling and erection of double garage/conservatory' to include the installation of a roof light and the removal of a first floor window on the southern elevation" at 30 Manor Road, Gamlingay SG19 3EN, granted on 31 May 2022 by South Cambridgeshire District Council, is varied by deleting condition No 3.

Background and Main Issue

2. Planning permission for development described in the banner heading was approved on 31 May 2022. This planning permission included a number of conditions, one of which requires the roof light window in the south facing elevation to be non-opening and obscurely glazed. This permission followed an earlier permission (ref S/0371/08/F) at the same site for the "extension to dwelling and erection of double garage/conservatory".
3. The Council's statement indicates that the condition is necessary to protect the living conditions of the occupants of 28 Manor Road, in particular in relation to the overlooking of private garden space. This is consistent with the reasons for the condition given on the decision notice.
4. Taking the above into account the main issue is whether the condition is reasonable or necessary in the interests of the living conditions of the occupiers

of neighbouring properties, in particular in relation to the privacy of the occupants of 28 Manor Road.

Reasons

5. 30 Manor Road is a modern 2-storey end of terrace dwelling set within a street scene of similar dwellings. The property is located at the end of a cul de sac and the front elevation faces the side elevation of 28 Manor Road. The property has been extended at two storeys to the side. A screen of vegetation borders the appeal site to the south.
6. The proposed roof light would face the rear garden of No 28. Whilst the southern boundary is lined with vegetation, I observed during my winter site visit that during such times when the trees are not in leaf there are gaps in this boundary vegetation. Nonetheless, it is clear from the proposed drawings that the roof light would be located well above eye level. Thus, even if the rooflight were open, it would not enable views out of this room and consequently would not result in actual or perceived overlooking of No 28.
7. I therefore conclude that a condition to control the glazing and opening of the rooflight is not reasonable or necessary in the interests of safeguarding the living conditions of the occupiers of neighbouring properties. As such there would be compliance with those aims of Policy HQ/1 of the South Cambridgeshire Local Plan (2018) which requires that new development protects the health and amenity of occupiers and surrounding uses from development that is overlooking, and the District Design Guide Supplementary Planning Document (2010) which has similar aims. I also find compliance with paragraph 130 of the National Planning Policy Framework (the Framework) which requires that development create places with a high standard of amenity for existing and future users.

Conclusion

8. For the reasons given above I conclude that the appeal should succeed, and the planning permission varied by deleting the disputed condition.

Nichola Robinson

INSPECTOR