

Appeal Decision

Site visit made on 25 April 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/U2615/D/22/3311293

2 Cliff Park Cottages, Lowestoft Road, Gorleston, Great Yarmouth, Norfolk, NR31 6JL

- 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 LTG Properties Ltd against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/22/0699/HH, dated 22 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that "the applicant has built the single storey element of the application."

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of the occupiers of Number 257 Lowestoft Road, with regards to outlook and privacy.

Reasons

Character and appearance

4. The appeal property comprises a two storey semi-detached dwelling fronting Lowestoft Road but accessed from Kennedy Avenue, to the rear.
 5. The appeal property is set back a considerable distance from Kennedy Avenue and is accessed via a long shared driveway, which runs between Number 257 Lowestoft Road and Number 33 Kennedy Avenue.
 6. The appeal property is sited such that the dwelling is situated alongside No 257's main garden area. During my site visit, I observed that No 257's windows facing towards Lowestoft Road provide views across the rear of the appeal property, albeit from an oblique angle and vice versa.
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7. The appeal property is located within a residential area. With the exception of the appeal property and its adjoining neighbour, most dwellings in the area comprise detached dwellings set back from Kennedy Avenue in a generally uniform manner, within comfortable garden plots characterised by main gardens being set between dwellings and Lowestoft Road.
8. This provides for a spacious and relatively uniform local character.
9. In the above regard, the position of the appeal property and its adjoining neighbour is slightly unusual. The two dwellings are set very close to Lowestoft Road, with only small garden areas and are set a long way back from Kennedy Avenue. As a consequence of this, changes to the appeal property would be widely visible from other dwellings accessed from Kennedy Avenue, notably No 257 Lowestoft Road, as well as from Lowestoft Road itself.
10. Currently, the appeal property appears as a modest dwelling within a generally spacious area. Whilst not identical, its similarity to the adjoining dwelling, Number 1 Cliff Cottages provides for a sense of balance and symmetry, which whilst not uniform with the surrounding area, contributes a degree of uniformity.
11. The proposed development would extend the dwelling to the side and rear (towards Kennedy Avenue) at two storey height.
12. The overall mass of the proposed development, which would extend across the majority of the width of the host dwelling and which would maintain the same eaves and ridge height as the original main roof, would result in an overwhelming addition that would fail to appear subservient to the host dwelling.
13. Further to the above, the proposed height and massing would be of such a scale and dominance as to erode the sense of symmetry with No 1, as well as reduce the area's spacious qualities. Consequently, the proposed development would appear discordant.
14. Taking the above into account, I find that the proposed development would serve to harm the area's identified attributes. This would be contrary to the NPPF; to Core Strategy¹ Policy CS9 and to Local Plan² Policy H9, which together amongst other things, seek to protect local character.

Living conditions

15. The proposed development would extend the dwelling towards No 257 Lowestoft Road at a two-storey height. The scale and proximity of the development proposed would result in a large and imposing development appearing to "loom" above No 257's garden area to an overbearing degree.
16. The harm arising from this would be exacerbated as a result of the creation of first floor windows that would provide for inter-visibility between the main bedrooms of the appeal property and No 257, from very close proximity. I find that this would result in significant scope for overlooking and loss of privacy.

¹ Great Yarmouth Local Plan Core Strategy 2013-2030 (2015).

² Great Yarmouth Local Plan Part 2 (2021).

Further, as a result of the close proximity arising, this would not be mitigated to any acceptable degree by the angle between windows.

17. Taking the above into account, I find that the proposed development would harm the living conditions of neighbouring occupiers with regards to outlook and privacy. This would be contrary to the NPPF; to Core Strategy Policy CS9 and to Local Plan Part 2 Policy A1, which together amongst other things, seek to protect residential amenity.

Other Matters

18. In one of its reasons for refusal, the Council refers to reduced amenity space. However, the proposed development would retain useable private garden areas to the front and the rear of the dwelling. Whilst these would be small and not as large as prior to the proposed development, there is no substantive evidence before me to demonstrate that the remaining area would be insufficient or result in such harm on its own as to warrant dismissal of this appeal.
19. Notwithstanding this, I have found that the proposal would result in significant harm to local character and residential amenity and hence the decision below.
20. The appellant states that a two-storey extension that "would be much more damaging" could be built under permitted development rights. However, there are no alternative plans before me and this decision focuses on the proposal the subject of the planning application refused by the Council. I have found that the proposed development would result in significant harm and hence the decision below.
21. The appellant considers that large properties are in great demand in this location by hospital staff. This is not something that mitigates the harm identified.

Conclusion

22. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR