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# Appeal Decision

Site visit made on 17 July 2023

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 July 2023**

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**Appeal Ref: APP/D1265/W/22/3310721**

**End House, Bradford Lane, Longburton, Dorset DT9 6ES**

- 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 and Mrs S Martin against the decision of Dorset Council.
  - The application Ref P/HOU/2022/03499, dated 6 June 2022, was approved on 1 November 2022 and planning permission was granted subject to conditions. The development permitted is to erect first floor extension, single storey rear extensions, vaulted front porch, front extension and attached double garage. Carry out external & internal alterations. Modify vehicular access.
  - The condition in dispute is condition 3 which states that: Before the proposed development is brought into use, the window shown on the northeast elevation of drawing no F1647/101J and marked as obscured glazing, must be glazed with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glazing shall be retained as such.
  - The reason given for the condition: To safeguard the amenity and privacy of the occupiers of adjoining residential property.
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## Decision

1. The appeal is allowed and the planning permission Ref P/HOU/2022/03499 to erect first floor extension, single storey rear extensions, vaulted front porch, front extension and attached double garage, carry out external & internal alterations and modify vehicular access at End House, Bradford Lane, Longburton, Dorset DT9 6ES, granted on 1 November 2022 by Dorset Council, is varied by the deletion of condition 3, and the deletion of condition 1 and its replacement with:

Condition 1 - With the exception of the provision of the obscure glazing to the dressing room window on the north east elevation as shown on drawing F1647/101J, the development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan, Existing Floor Plans & Elevations F1647/001
- Proposed Ground Floor Plan F1647/100F
- Proposed First Floor Plan & Elevations F1647/101J
- Proposed Site Plan & Elevations F1647/102H

## Preliminary Matters

2. End House was, prior to the recent building works, a mainly single storey detached property sited perpendicular to the road. The front elevation faces broadly north east towards the adjoining residential property, known as Spring Farm Bungalow. This adjoining property has a frontage facing the road, although this elevation is largely screened behind an established hedge. Spring

Farm Bungalow also has side windows facing towards the appeal property. However, another established hedge along the side boundary provides a reasonable screen between the dwellings, in particular, helping to reduce intervisibility between windows.

3. Planning permission has been granted to extend End House. The works, which are well advanced, includes raising the single storey section of the dwelling to provide first floor accommodation across much of its length. This extended accommodation would have first floor windows on the north east elevation. These would include a window to light the stairs, a double height glazed gable, two windows to a bedroom and a window to the dressing room. It is only the dressing room window that is required, by condition 3 of planning permission P/HOU/2022/03499, to be obscure glazed. There is also an annotation, on the north east elevation plan (drawing F1647/101J), that this window would be obscure glazed.
4. The appellant has explained that the annotation on the plan was in error as the wording was not removed when the plan was revised to change the room from a bathroom to a dressing room. The appellant seeks the removal of the condition so that the window could have clear glazing.

### **Main Issue**

5. The main issue is whether or not it is reasonable and necessary for the window to the dressing room on the north east elevation of the extended End House to be obscure glazed.

### **Reasons**

6. The proposed dressing room window would be positioned closest to the road within the north east elevation. I was able, at my site visit, to look from the unglazed opening of this room. There would be some views from the window towards Spring Farm Bungalow. However, because of the hedge, these views would predominantly be towards a section of the frontage area and the roof of the adjoining property. There is a reasonable separation between buildings and no windows at Spring Farm Bungalow would be clearly and directly visible from the dressing room window such as to cause a material level of overlooking.
7. The Council has confirmed, at this appeal stage, that it does not consider that views from the dressing room window would lead to direct overlooking of any of the neighbouring bungalow's windows. The Council comment that it is considered that the condition is not essential to make the approved development acceptable. I agree and I am also satisfied that views from the window would not cause any level of unreasonable overlooking to the garden areas of Spring Farm Bungalow. Consequently, the requirement to obscure glaze this window does not meet the tests of necessity or reasonableness for planning conditions.
8. This is an appeal made directly against the conditions imposed on the planning permission, P/HOU/2022/03499. In determining such an appeal, section 79(1) of the Town and Country Planning Act 1990 (as amended), allows an Inspector to allow or dismiss the appeal, or reverse or vary any part of the decision of the Local Planning Authority (whether the appeal relates to that part or not) and may deal with the application as if it had been made to him in the first instance.

9. I will, therefore, delete condition 3 with the associated requirement for the dressing room window to be obscure glazed. However, this obscure glazing requirement is also shown on the north east elevation plan. As this appeal procedure allows me to reverse or vary any part of the original decision, I also intend to remove the requirement on this plan for the window to be obscure glazed, and I intend to do this with an updated wording to condition 1.
10. This would be consistent with the advice in the Planning Practice Guidance which says that depending on the case, it may be possible for the local planning authority to impose a condition making a minor modification to the development permitted. The requirement to accord with the approved plans in all other respects would remain. This additional alteration to condition 1 would provide consistency between the removal of condition 3 and the plans which the development would be subject to.

### **Conclusion**

11. In the light of the above analysis, I conclude that it would not be reasonable or necessary for the dressing room window in the north east elevation of the extended End House to be obscure glazed. I therefore intend to vary the planning permission P/HOU/2022/03499 by the deletion of condition 3, and the deletion of condition 1 and its replacement which lists the approved plans but includes a wording that is consistent and does not require the dressing room window to be obscure glazed. The original planning decision for application P/HOU/2022/03499 and this decision are to be read together and form the planning permission for the development. In the way described, the appeal succeeds.

*David Wyborn*

INSPECTOR