



Appeal Decision

Site visit made on 11 July 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/F2605/D/23/3320075

Walnut Cottage, Ash Close, Swaffham, Norfolk PE37 7NH

- 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 Martin Overman against the decision of Breckland Council.
 - The application Ref 3PL/2022/1314/HOU, dated 22 November 2022, was refused by notice dated 17 January 2023.
 - The development proposed is new first floor extension, demolition, and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for new first floor extension, demolition and associated works at Walnut Cottage, Swaffham, Norfolk PE37 7NH in accordance with the terms of the application, Ref 3PL/2022/1314/HOU, dated 22 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 20005/001, Existing Plans 20005/002, Existing Elevations 19015/003, Proposed Plans 20005/004 Rev D, Proposed Elev & Section 20005/005 Rev C, Proposed Block Plan 19015/006 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the window marked as "07" on plan "Proposed Elevation and Section 20005/005 Rev C" has been fitted with obscured glazing, and no part of that window shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Applications for costs

2. An application for costs has been made by Mr and Mrs Martin Overman against Breckland Council. This application is subject to a separate decision.

Preliminary Matters

3. The Council requested that the site be viewed from a neighbouring property, however there was no request to do so from the occupiers of that property, and I am satisfied that I was adequately able to view and appreciate the appeal site and its surroundings from within the appeal site itself.

Main Issues

4. The appeal property lies within Swaffham Conservation Area ('the CA'). Although the Council has not raised concern with regards to the effect of the proposal upon the character or appearance of Swaffham Conservation Area within its reasons for refusing planning permission, it has raised concerns about the effect of the proposal upon the character and appearance of the area more generally. I acknowledge that the two issues are not necessarily equitable.
5. However, as the effect of the proposal upon the character or appearance of the Conservation Area has been raised by interested parties, and is also referenced within the conclusion of the Council's report, having regard to the duty set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have considered this as a main issue.
6. Therefore, the main issues are:
 - the effect of the proposal upon the character and appearance of the area, including whether the proposal would preserve or enhance the character of appearance of the CA, and;
 - the effect of the proposal upon the living conditions of occupiers of neighbouring properties with particular regard to outlook and privacy.

Reasons

Character and appearance

7. The significance of the CA is, in part, and insofar as it relates to this appeal, derived from a tightly knit layout of relatively small, and traditionally designed dwellings. However, there is variety in the age, scale and design of properties in the vicinity of the appeal site.
8. The proposal would increase the size of the existing property; however, this increase would not be significant, and it would remain reflective in scale of neighbouring properties. As a result, the appeal property would not appear as unusually large within the streetscene.
9. The proposal would also result in a change to the roof form, introducing a mixture of gable end and hipped roof designs to the front elevation. However, despite the different roof design, this arrangement would remain coherent, with the lower hipped roof element appearing as a bay feature, with a glazed gable above. Furthermore, as the property already exhibits a mixture of roof designs, particularly towards the rear, and is of overtly more modern design than other properties in the area, such an approach in this case would not appear as unusual or discordant.
10. The grain of development within the street restricts the locations from which the proposal would be visible and would mean that it would not be prominent in longer views. The proposal would be viewed alongside other dwellings of

varying ages and scale, and which also use a variety of approaches to roof design. In this context, whilst the proposal would alter the appearance of the host property, it would not harm the character or appearance of the area.

11. Having regard to the above, I conclude that the proposal would not lead to harm to the character or appearance of the area, or the CA. It would therefore be in accordance with Policies COM01, ENV07, GEN02 and HOU11 of the Breckland Local Plan, and Policy HBE2 of the Swaffham Neighbourhood Plan. Together, and amongst other matters, these policies seek to ensure that new developments preserve or enhance the special character of the historic environment; are sensitive to the character of the surround area; and respect the character of the existing dwelling.

Living conditions

12. The appeal property is located close to the site's boundaries. The neighbouring property to the south, 'Basmar' is also located close to this boundary but is orientated such that it presents a side elevation towards the appeal property. However, it does incorporate windows at the ground floor level, which currently face towards existing ground floor windows of the appeal property, with the low hedgerow which forms the boundary between the properties providing a degree of screening.
13. The height of the appeal property would be increased as a result of the proposal. However, this increase in height would not be substantial. Basmar is itself set away from the boundaries of the garden associated with it. Accordingly, although the appeal property is located close to the shared boundary, an element of separation remains between the properties, and would be retained following the construction of the appeal scheme. Given this level of separation, the generally open aspect of the garden associated with Basmar, and the minor nature in the increase in height to the appeal property, the appeal scheme would not appear as overbearing or lead to an unacceptable loss of outlook to the occupiers of this neighbouring property.
14. The appeal property is also located close to the shared boundary with the neighbouring property to the north. This property presents a rear elevation towards the appeal site and is set further towards the street than the appeal property. As a result, those windows facing towards the appeal site generally face towards the existing driveway to the front of the appeal property. Accordingly, and although I acknowledge that the increased height of the appeal property would be evident from within the garden, the increase in height of the appeal property would not lead to unacceptable loss of outlook for occupiers of this property.
15. I have had regard to the findings of a previous Inspector in dismissing a previous proposal to extend the appeal property, where it was concluded that the appeal scheme would be overbearing. I understand that the appeal scheme before me represents a reduction in scale over the previous proposal, however, I have not been provided with specific details in relation to the size or design of the earlier scheme. I cannot, therefore, be certain of the differences between the two schemes and the context within which the previous Inspector reached their conclusions. This previous decision, is not, therefore, determinative in my considerations.

16. The proposal would result in a large window being created in the side elevation of the appeal property, which would serve a staircase. This would result in the potential for the overlooking of the garden and ground floor windows of Basmar from a higher level. Staircases are not usually places where occupiers of the appeal property would be reasonably expected to linger. However, at such close proximity to the shared boundary, the use of this staircase, even in a transitory fashion, would be likely to lead to a sense of overlooking within the garden areas of Basmar, and to a lesser extent, the conservatory and ground floor windows of this property.
17. However, and although not indicated on the provided plans, both parties agree that the issue of overlooking from this window could be adequately mitigated through the use of obscure glazing, and I have no reason to disagree. Subject to the imposition of a condition in relation to the use of obscure glazing in this window, I conclude that it would not lead to harm to the living conditions of Basmar with regard to privacy.
18. Further windows would also be created as a result of the proposal include rooflights, and higher-level windows in the front elevation. The rooflights would be situated such that they would not be likely to lead any significant degree of overlooking of neighbouring properties, and the higher-level windows within the front elevation would be located in such a manner that they would not directly face windows at other properties. These windows would provide a general view towards the opposite side of the street, however the position of the appeal property in a position significantly set-back within the appeal site, means that there would be substantial separation between these windows and other dwellinghouses. Accordingly, no harm to living conditions in this respect would be likely to occur.
19. As no additional windows are proposed within the western elevation of the appeal property, the appeal proposal would not harm the living conditions of occupiers of properties situated to the west of the appeal site with regard to privacy.
20. For the reasons given, I conclude the proposal would not harm the living conditions of occupiers of neighbouring properties with particular regard to outlook and privacy. It would therefore accord with BLP Policy COM03 which requires that new development does not have unacceptable effects on the residential amenity of neighbouring occupants, including with regard to outlook and privacy.

Other Matters

21. I acknowledge that there is a limited amount of parking and manoeuvring space within the street, and that there would likely be some disruption during construction works. However, given the scale of the proposed development, I consider that such disruption would likely to be intermittent and temporary in nature. Furthermore, sufficient space is available within the appeal site to allow construction vehicles to be parked, and the Council has not raised any concern in this regard. Any obstruction of the highway, should it occur, would be subject to separate control.
22. The appeal proposal would result in the property having three-bedrooms. Although the appeal site is not large, there is an existing driveway and rear garden, and the footprint of the appeal property would not change. Even if the

proposal would have the potential to intensify the occupation of the property, there is no substantive evidence before me that indicates that the level of outdoor space or parking provision would be insufficient to serve such a property, and the Council has raised no concerns in this regard.

23. The appeal site contains a large tree located close to the eastern boundary, and concern has been raised by a third party with regard to the effect the proposal would have upon it. As the proposed building works would not extend beyond the existing footprint of the appeal property, and as there is no other evidence before to indicate otherwise, I am satisfied that the proposal could be implemented without causing damage to this tree.
24. The need for the development has also been questioned within representations, however there is no requirement in any of the planning policies to which I have been directed for need to be demonstrated. Accordingly, this matter does not carry weight in my considerations.

Conditions

25. In addition to the standard time limit condition, I have attached conditions requiring adherence with the approved plans, and to ensure that external materials match of the appeal property in the interests of clarity, and securing a satisfactory form of development in the interests of the character and appearance of the area.
26. I have also attached a condition requiring obscure glazing to be used in the large window in the southern elevation of the appeal property in order to preserve the living conditions of occupiers of the neighbouring property.

Conclusion

27. The proposed development would be in accordance with the development plan as a whole, and there are no material considerations that would lead me to reach a conclusion other than in accordance with it.
28. For the reasons given above, I conclude that the appeal should be allowed.

C Harding

INSPECTOR