



Appeal Decision

Site visit made on 21 November 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/P2935/D/23/3330692

50 The Demesne, North Seaton NE63 9TW

- 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 Lakhwinder Gill against the decision of Northumberland County Council.
 - The application Ref 23/01847/FUL, dated 19 May 2023, was refused by notice dated 30 August 2023.
 - The development proposed is described as demolish existing rear conservatory and proposed rear two-storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers, with particular regard to outlook, privacy, and light; and
 - the character and appearance of the host building and surrounding area.

Reasons

Living conditions

3. The appeal site comprises a two-storey detached dwelling with a large rear garden that slopes down to the north. The garden boundaries are typically formed by timber fencing of around 1.6-1.8m in height.
4. To the west, 49 The Demesne, has a single-storey extension at the rear, but I am informed that permission was also granted for a two-storey extension. To the east, 1 and 2 The Demesne have their rear elevations and gardens backing perpendicularly onto the appeal site.
5. Notwithstanding the application description, the proposal includes both two-storey and single-storey elements at the rear. The two-storey element would follow the width and height of the existing dwelling, with a projection of around 3 metres. The flat-roofed, single-storey dining room extension would project approximately 6 metres further at around half the width of the dwelling, running off the western flank. I note that the proposal is a revised scheme to a planning permission granted in 2021 (LPA ref: 20/04269) for two-storey and single-storey rear extensions of a reduced scale.

6. The Council's officer report did not raise any specific concerns in relation to the effect on 1 and 2 The Demesne. Having regard to the extant consent and the separation distances involved, I am content that the proposal would not appear unduly dominant, or result in a loss of light, or privacy to the occupants of those neighbouring properties.
7. In relation to 49 The Demesne, the projection at first floor level would be modest and tempered further by the sloping roof form, such that it would not appear dominant or overbearing in the current rear outlook from this neighbouring property.
8. However, the single-storey dining room extension would project significantly beyond the rear wall of this neighbour's ground floor extension. While it would be set back from the boundary and would have a flat roof form, it would still have a substantial presence above the boundary fence when viewed from the rear windows and immediate garden of No 49. This would be further exacerbated by the ground levels, which are not level like they have been shown on the plans, and by my estimation, would result in nearly half of the extension rising significantly above the fence. The combination of its length and height above the fence would have an unacceptably dominant and overbearing effect on the rear outlook from No 49. Whilst there is an extant consent for a single-storey rear extension at the site, it would not be as substantial as the proposal now before me, and so, carries very little weight as a fallback position.
9. In terms of privacy, while the windows in the west elevation of the dining room extension could be obscurely glazed, there is considerable uncertainty in relation to how the difference in levels would be dealt with outside the patio doors. Patently, there would be a requirement for some form of a raised patio outside these doors. This could potentially introduce an elevated and projecting vantage point, which would afford its users a closer and more open view into the garden and windows of No 49 in particular. This is a fundamental matter which should have been addressed through the application drawings and cannot be left to a planning condition. In these circumstances, it is reasonable to adopt a precautionary approach. Consequently, without specific details of how this matter would be satisfactorily addressed, I am unable to rule out a loss of privacy to the occupiers of No 49.
10. Concerns have also been raised in respect of a loss of light to the rear windows of No 49. However, the windows in question face north, and given the distance from the windows, intervening boundary treatment, and the flat roof form of the single-storey element, I do not consider that there would be any unacceptable overshadowing or loss of light to No 49. I have noted the Council's reference to the '45 degree' rule of thumb. However, the '45 degree' rule is only guidance and must be carried out on both plan and elevation. As the Council's assessment was only done on plan, it is not a reliable indication of a potential loss of light and I have given it little weight.
11. Drawing these matters together, I find that the development would have an adverse effect on the rear outlook and privacy of the occupiers of 49 The Demesne, to the detriment of their living conditions. This is contrary to Policies QOP1, QOP2 and HOU9 of the Northumberland Local Plan 2022 (LP), which amongst other things, require that development does not adversely affect the visual outlook and privacy levels of neighbouring occupiers. It is also

contrary to paragraph 130 f) of the National Planning Policy Framework (the Framework) which seeks a high standard of amenity for existing and future users.

Character and appearance

12. This part of The Demesne is a residential cul-de-sac. The dwellings on the north side of the road are similarly designed with a distinctive asymmetrical gable, and most, including the appeal property, have spacious rear gardens.
13. The proposals would result in a significant increase in built footprint and could not reasonably be described as subordinate. However, the massing of the two-storey element would be relatively modest in and of itself and would retain the distinctive shape of the building. The single-storey element would be more substantial and its bulky, box-like form would not be sympathetic to the design of the host building. Nonetheless, a number of neighbouring properties have been extended at the rear in various sizes and forms, resulting in a varied character at the rear. Further, its depth would still be limited in the overall context of the length of the rear garden, such that it would not harm the spatial character to the rear. In this context, and given the limited private vantage points from which it would be seen, the proposals would have minimal impact on the character and appearance of the host building and its established residential surroundings.
14. I therefore conclude, on this issue, that the development would not unacceptably harm the character or appearance of the host building and its surroundings. As such, there is no significant conflict with the general design aims of Policies QOP2 and HOU9 of the CS, and the Framework.

Other Matters

15. While the additional living accommodation would benefit the occupiers of the appeal property, this does not outweigh the harm I have identified and the resultant conflict that arises with the development plan taken as a whole.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR