



Appeal Decision

Site visit made on 8 January 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/G2625/W/23/3319724

34 Onley Street, Norwich, Norfolk NR2 2EB

- 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 Monty Chamberlain against the decision of Norwich City Council.
 - The application Ref 22/01355/F, dated 21 October 2022, was approved on 12 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is a side extension.
 - The condition in dispute is No 3 which states that: All windows installed within roof of the development hereby approved shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass. The windows shall be retained as such.
 - The reason given for the condition is: To prevent overlooking and to protect the amenity and living conditions of adjacent residential properties in accordance with section 12 of the NPPF, and policy DM2 of the Development Management Policies Local Plan 2014.
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Decision

1. The appeal is allowed and the planning permission Ref 22/01355/F for a side extension at 34 Onley Street, Norwich, Norfolk NR2 2EB granted on 12 December 2022 by Norwich City Council, is varied by deleting condition 3.

Preliminary Matters

2. The construction of the extension has commenced but has not been completed. I shall make my decision against the plans submitted with the application and as listed on the decision notice.

Background and Main Issue

3. The appeal site comprises a two-storey terraced dwelling. Planning permission has been granted for a single-storey extension to the side of an existing two-storey rear element, subject to three conditions. This included, at condition 3, that all windows within the roof of the extension shall be obscure glazed.
4. The main issue is whether the condition is necessary having regard to the living conditions of the occupiers of No 36 Onley Street (No 36) and the host property, with particular regard to privacy.

Reasons

5. The extension would form the boundary with No 36 and would have windows within the lean-to roof. Although there are no openings within the side elevation of No 36 at first floor level, there is a rear facing window. Oblique views towards the extension would be possible from this window. However,

given the limited size of the extension, the acute angle would ensure that no meaningful views would be possible between the first floor window and the proposed roof windows.

6. The National Planning Policy Framework states that any conditions should only be imposed where they meet the six tests, as set out in Paragraph 56. As such, due to the specific site circumstances and positioning of the roof windows, I conclude that the condition requiring the installation of obscure glazing to the roof windows is unnecessary.

Other Matters

7. Concerns were raised in respect of the effect of the proposal on the amount of natural light reaching the neighbouring property at No 36. Given the orientation in relation to No 36 and the lower eaves height of the extension, the development would not result in a significant loss of natural light for the occupants of No 36.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition.

J Pearce

INSPECTOR