



Appeal Decision

Site visit made on 28 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/Y2620/D/23/3327820

63 Moor Lane, Sculthorpe, Fakenham, Norfolk, NR21 9PX

- 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 Ms E Maleed against the decision of North Norfolk District Council.
 - The application Ref PF/22/2443, dated 17 October 2022, was refused by notice dated 29 June 2023.
 - The development proposed is installation of dormer windows to north and south elevations, window to west elevation to facilitate conversion of loft to habitable space and construction of porch to side.
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Decision

1. The appeal is allowed and planning permission is granted for installation of dormer windows to north and south elevations, window to west elevation to facilitate conversion of loft to habitable space and construction of porch to side at 63 Moor Lane, Sculthorpe, Fakenham, Norfolk, NR21 9PX in accordance with the terms of the application, Ref PF/22/2443, dated 17 October 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) 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.

Preliminary matters

2. The application form described the proposed development as "Loft Conversion to existing dwelling". The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed Juliet balcony and windows on the rear private garden areas of neighbouring occupiers.

Reasons

4. The appeal site is within a row of bungalows which, by the nature of single

storey dwellings, do not (for the most part) have rear windows at first floor level. They have relatively short rear gardens, and overlook agricultural countryside.

5. As the officer's report notes, there are examples of rear windows being introduced historically, which I take to mean, within this row of bungalows. It is not unusual to have bedroom windows at first floor level looking across the rear garden and having something of a view across neighbouring gardens. I do not see any material difference between private rear amenity areas at the back of 2 storey houses, and such areas at the back of bungalows. In the former case, there are windows with views across the rear of the houses, normally from bedrooms as in this case. I appreciate that the occupiers of the adjacent bungalows will have concerns about the perception of being overlooked, but I cannot see that this justifies the refusal of permission.
6. The 'Juliet balcony' is not mentioned in the description of the development, either in that given on the application form or that adopted by the council. There is no notation of it on the plans, but there is shading on the lower part of the proposed rear window that might indicate such a balcony.
7. However, assuming that a Juliet balcony is intended, it certainly does not include an area external to the bedroom itself, and therefore it must be assumed that it refers to railings that are planted onto the outside wall. The extent of the 'balcony' is further limited by the headroom within this part of the bedroom. For the most part, the rear window is under sloping ceilings, and the plan shows that the top of the windows is triangular under the gable. It is only the central part of the window that would have a height of 1.758m, enabling an opening door in the window that would be about 1.6m wide. Thus the views from the bedroom would be relatively limited, and not expanded by railings just a centimetre or so from the window.
8. In view of the above aspects of the proposal, and having looked at the local context, I am not satisfied that the window and Juliet balcony in the proposed secondary accommodation of the appeal dwelling would have any adverse effect on the amenity of the rear private garden areas of neighbouring occupiers, sufficient to warrant refusal. I therefore conclude that the proposed development would not be contrary to the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy. For these reasons the appeal will be allowed.

Conditions

9. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance.
10. These seek that the development should be carried out in accordance with the plans and that the materials match the existing. I agree that the first of these conditions is necessary for certainty and avoidance of doubt as to the development permitted (and can be incorporated into the wording of the decision) and the second is necessary to ensure that the appearance of the

development permitted integrates with the existing in a visually satisfactory manner.

Terrence Kemmann-Lane

INSPECTOR