



Appeal Decision

Site visit made on 5 March 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2024

Appeal Ref: APP/J0540/D/23/3331593

Daisy House, Aldermans Drive, Peterborough PE3 6AR

- 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 Mrs Alison Tait against the decision of Peterborough City Council.
 - The application Ref 23/00710/HHFUL, dated 23 May 2023, was refused by notice dated 27 July 2023.
 - The development proposed is existing rear dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for existing rear dormer extension at Daisy House, Aldermans Drive, Peterborough PE3 6AR in accordance with the terms of the application, Ref 23/00710/HHFUL, 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 development hereby permitted shall be carried out in accordance with the following approved plans:
TQRQM23136171426194 (Location Plan),
001 (Existing and Proposed Plan),
002 (Proposed Elevation and Floor Plan).
 - 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 rear dormer extension hereby permitted shall not be brought into use until the glass protection barrier shown on Drawing No. 002 has been installed with obscured glazing. Details of the barrier and type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the barrier is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of Cactus House and Eucalyptus House, with particular regard to privacy.

Reasons

4. The appeal site comprises a semi-detached two storey dwelling with accommodation in the roof space. The existing dwelling features a dormer window located centrally within the rear facing roof slope and containing a 3-pane window. The appeal property is part of a collection of 4 semi-detached dwellings that line this side of Aldermans Drive and are of the same form and appearance. Each of these neighbouring dwellings also feature the same second floor rear facing dormer window. The appeal dwelling is adjoined to Eucalyptus House on one side, with Cactus House on the other.
5. I saw on my site visit that there is currently a degree of intervisibility between the garden level and the dormer level of all 3 dwellings. This is however limited by the elevated position of the dormer windows in the row and the relatively modest depth of the gardens. The existing dormer within the appeal dwelling provides space for seating and features openable windows. However, views towards neighbouring gardens are oblique and curtailed by the enclosed walls of the dormer structure. Views towards the immediate rear patio spaces of neighbouring properties are particularly difficult to achieve.
6. The appeal proposal would extend the existing dormer forward towards the rear elevation of the property. It would include the installation of large glazed double doors. The extent of glazed area would thus increase. However, the proposal includes the installation of an obscurely glazed balustrade that would cover approximately 50% of the height of the opening. The area of the opening that is unobstructed would thus not be materially larger than the existing.
7. While I accept views towards neighbouring gardens could still be achieved, the repositioning of the opening towards the roof edge would further limit the angle of views towards neighbouring gardens. I do not find that these views would be any more intrusive than existing views. The proposal would thus not have a deleterious effect on the privacy of the occupiers of neighbouring properties.
8. The Council contends that the proposal is akin to the creation of a balcony or outdoor amenity space at second floor, and that it is likely that the occupants would spend considerable periods of time looking over neighbouring gardens. There is no compelling evidence before me to indicate that the proposal would considerably increase the propensity for overlooking. Nevertheless, given my findings above, I am satisfied that the level of enclosure provided by the appeal proposal and its relationship to neighbouring properties would adequately contain views and preclude any harmful loss of privacy for neighbours.
9. I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of Cactus House or Eucalyptus House, with particular regard to privacy. It would thus be in accordance with Policy LP17 of the Peterborough Local Plan 2016 to 2036 Adopted 24 July 2019. This policy, among other provisions, seeks to ensure that new development does not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties, including through loss of privacy.

Conditions

10. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. A condition is also required to control the finishing materials of the development, in the interests of the character and appearance of the area.
11. A condition is also required to secure details of the proposed obscurely glazed balustrade and to ensure this is provided and maintained, in order to safeguard the privacy of the occupiers of neighbouring properties.

Conclusion

12. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR