



Appeal Decision

Site visit made on 15 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/P2935/D/24/3342708

50 The Demesne, North Seaton, Northumberland NE63 9TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lakhwinder Gill against the decision of Northumberland County Council.
 - The application Ref is 24/00292/FUL.
 - The development proposed is demolish existing rear conservatory and proposed rear two storey extension and ground floor extension to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of existing occupants of a) 1 and 2 The Demesne (Nos 1 and 2), with particular regard to privacy; and b) No 2 with particular regard to outlook.

Reasons

Privacy

3. The appeal property (No 50) is a detached two-storey dwelling with a large rear garden which slopes to the north. Set within a residential estate its two-storey flank elevation and garden are set perpendicular to the rear gardens of 1-4 The Demesne (Nos 1-4). The rear of No 1 mainly overlooks the front garden and flank elevation of No 50, while No 2 overlooks its conservatory and garden.
4. The proposed development would insert four windows into the current blank flank elevation, two would be within the main body of the dwelling and two within the proposed extension. To the ground floor, these would serve a study and an ensuite, and to the first floor, they would serve an existing bedroom (bedroom 4) and an ensuite. Given the intended purpose of the bedroom and study, it is reasonable that glazing to these rooms would be clear, and that obscure glazing would be to the ensuites. This would reflect the appellant's suggested obscure glazing condition.
5. The existing boundary between No 50 and Nos 1 and 2 would screen direct views from the study at the ground floor, and the obscure glazing within the ensuite would restrict direct views into the gardens at the first floor. This, however, would not be the case with the clear-glazed window within the bedroom. From this window, the existing occupants of No 50 would have unobstructed views over the rear gardens of Nos 1 and 2.

6. Whilst views over rear gardens are not uncommon within residential estates, given the proximity of the flank elevation of No 50 to its boundary and the rear gardens of Nos 1 and 2, the insertion of a clear glazed window at first floor would materially harm the quality of outdoor amenity space which the existing occupants currently enjoy.
7. Whilst the window to bedroom 4 would be within the main body of the existing dwelling, I do not agree with the appellant that the works do not form part of the proposed extension. This window is required as a direct result of the proposed rear extension and I must make my assessment based on the proposal before me.
8. My attention has been drawn to Appeal Ref APP/P2935/D/23/3330692. Whilst sympathetic that the appeal before me is a resubmission, which seeks to take into account issues previously raised, the Inspector states that "the Council's Officer Report did not raise any specific concerns in relation to the effect on 1 and 2 The Demesne". Based on the evidence before me, it is clear that the Council's concerns in that planning application, are related to the effect of the proposed development on the outlook, privacy and light of the existing occupants within 49 The Demesne. This is not the case with the proposal subject to this appeal. As such, this example carries little weight in my decision.
9. I conclude that the proposed extension would harm the living conditions of the existing occupants of Nos 1 and 2 through loss of privacy, contrary to Policies QOP 2 and HOU 9 of the Northumberland Local Plan 2016-2036 (Local Plan) which seek to ensure, amongst other things, that appropriate levels of privacy, according to the use of buildings and spaces, are incorporated into the design of the new development and are not unacceptably harmed in existing neighbouring development. There would also be conflict with the National Planning Policy Framework (the Framework), insofar as it seeks to ensure development creates places with a high standard of amenity for existing users.

Outlook

10. The rear garden and boundary of No 2 are angled to the appeal site. The main view for the occupants from within the garden is the conservatory of No 50. The proposed extension would project approximately 3 metres from the main rear elevation closest to No 2 and would retain the existing separation with its boundary.
11. Whilst the proposed extension would be visible from within the garden of No 2, given the angle of the proposed extension in relation to No 2, and its distance from the boundary, the proposed rear extension would be predominantly to the southwestern corner of its garden, which would leave the remainder of the garden open. As such, the proposed extension would not be as overbearing to the occupants of No 2 when within the garden as the Council contends.
12. I conclude that the proposed development would provide adequate living conditions for the occupants of No 2, with particular regard to outlook from within the garden. There would be no conflict with Policies HOU 9 and QOP 2 of the Local Plan, which collectively seeks to ensure that development does not have a visually obtrusive or overbearing impact on neighbouring uses. There would also be no conflict with the Framework, insofar as it seeks to ensure development creates places with a high standard of amenity for existing users.

Other Matters

13. Even if the garden is underutilised, and the roof and materials would match those of the main dwelling, these matters do not outweigh the harm I have identified above.
14. As I have found no harm with regard to the proposed windows to the ensuite, the appellant's suggested condition lends little weight to my assessment.
15. Given the main issues above, reference to No 49 and planning approval Ref 20/04269/FUL is a matter of limited relevance to the assessment of the appeal before me.
16. I sympathise with the appellant with regard to the service provided by the Council during its determination of the original application, however, this is not within the scope of my assessment which must focus on the planning merits of the appeal proposal.

Planning Balance and Conclusion

17. Whilst I find no harm with regard to the proposed extension on the living conditions of the existing occupiers of No 2 with regard to outlook, this is not the case with regard to the living conditions of existing occupants of Nos 1 and 2 with regards to privacy. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan.
18. For the reasons given above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR