



Appeal Decision

Site visit made on 28 January 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/H0520/W/24/3350516

5 Hurricane Close, Huntingdon PE28 4QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Adele Davies against the decision of Huntingdonshire District Council.
 - The application Ref 24/00931/HHFUL was approved on 16 August 2024 and planning permission was granted subject to conditions.
 - The development permitted is a proposed garage conversion to personal gym space, with glazed link between garage and house.
 - The condition in dispute is No 4 which states that: *The development, hereby permitted, shall not be occupied until the proposed roof lights in the rear elevation of the development have, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity and shall be fixed shut. The rooflight shall remain fixed shut and obscurely glazed in perpetuity.*
 - The reason given for the condition is: *To prevent overlooking of the adjoining properties in accordance with Policy LP14 of the Huntingdonshire Local Plan to 2036.*
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Decision

1. The appeal is allowed and the planning permission Ref 24/00931/HHFUL for a proposed garage conversion to personal gym space, with glazed link between garage and house at 5 Hurricane Close, Huntingdon PE28 4QT, granted on 16 August 2024 by Huntingdonshire District Council, is varied by deleting condition No 4.

Preliminary Matter

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. The appellant's name on the planning application form is inconsistent with that on the appeal form. However, the appellant has confirmed the correct name, which is included within the banner heading above.
4. Although works have commenced in respect of the approved scheme, they are not complete. I have therefore considered the appeal based on the development applied for and the plans submitted with it.

Background and Main Issue

5. Consent was granted under planning application reference 24/00931/HHFUL for the conversion of the garage associated with 5 Hurricane Close, into a gym. The

approved works include the insertion of two roof lights into the rear roof plane of the garage. The disputed condition requires that the roof lights are fitted with obscured glazing and remain fixed shut in perpetuity. The reason given for the condition is to prevent overlooking of the adjoining properties. However, the Council's statement of case and interested party comments also refer to noise concerns. The appellant seeks the removal of this condition as they contend that it is not reasonable or necessary.

6. Therefore, the main issue is the effect of removing the condition on the living conditions of existing occupiers of 4 Hurricane Close and 13 and 15 Lancaster Road, with particular regard to privacy and noise.

Reasons

7. The appeal site comprises a two storey detached property and detached, single storey double garage. It is located in a predominantly residential area, where the layout of the development is tight-knit and properties are typically two storeys high. 5 Hurricane Close lies adjacent to 4 Hurricane Close and broadly back to back with 13 and 15 Lancaster Road. Having regard to the tight relationship and height of the properties, there is a degree of mutual overlooking in the area.
8. The garage has a pitched roof with side gables. The two rooflights would be positioned within the rear roof plane of the garage. The rear elevation of the garage is close to a living room and patio, which includes an outdoor seating area, associated with No 4.
9. The rooflights would be located at such a height and angle that only upward views, predominately of the sky, would be permissible. As such, even with clear glazing, there would be no views directly into the gardens of Nos 4, 13 and 15. Consequently, there would be no material loss of privacy for the occupiers of these neighbouring properties should the rooflights be installed without obscure glazing.
10. The Council have raised the possibility of a mezzanine floor being installed within the garage in the future, which would not require planning permission. Such a proposal is not included within the approved plans. Moreover, the appellant has confirmed that they have no intention to carry out such works.
11. Notwithstanding this and in the absence of substantive evidence to the contrary, given the height of the garage, I am not persuaded that such a proposal could be installed which would provide usable areas at both ground and first floor for the occupants of No 5. However, even if a mezzanine floor could be installed, the angle of the roof plane is such that there would be limited direct views out of the rooflights into neighbouring rear gardens. Therefore, such an arrangement would not result in a material loss of privacy for the occupiers of the neighbouring properties.
12. The appeal site is close to a number of neighbouring properties, including Nos 4, 13 and 15. The permitted gym is for personal use only, as reflected in the description of development. Having regard to this and noting its use is further restricted by condition No 5, I am satisfied that the development would not materially affect noise levels in the locality. This is consistent with the Council's observations in respect of this matter, as outlined in their delegated report.

13. For these reasons, the disputed condition is not reasonable or necessary in the interests of protecting the living conditions of neighbouring occupiers, with regard to privacy and noise. Therefore, the deletion of the condition would still ensure compliance with Policy LP14 of Huntingdonshire's Local Plan to 2036, which seeks, among other things, to ensure a high standard of amenity is maintained for users and occupiers of neighbouring land and buildings.

Other Matters

14. In respect of the completed certificate of ownership, the Council state that this has been clarified and confirm that the appellant owns the appeal site. Based on the evidence submitted, I see no reason to disagree with this conclusion.
15. The accuracy of the internal layout of the main property has been queried. Nevertheless, the development relates to the garage and formation of an external link.
16. Concerns have been raised that the access driveway and turning area are not suitable or sufficient for multiple customers and vehicles. However, the development is for personal use only, with condition No 5 restricting its use to that applied for.
17. An interested party considers that the design of the roof is unsuitable for the installation of rooflights. However, the plans demonstrate that the rooflights can be inserted without extensive redesign.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

S Pearce

INSPECTOR