



Appeal Decision

Site visit made on 25 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/V2635/D/24/3353514

146 Wootton Road, King's Lynn, Norfolk, England PE30 4BU

- 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 and Mrs J & E Cooper against the decision of Borough Council of King's Lynn and West Norfolk.
 - The application Ref is 24/00405/F.
 - The development proposed is a first floor with loft room and side extension to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Two sets of plans were submitted by the appellant as part of the planning application submission. The amended plans show the first-floor extension reduced in height and from the evidence before me, these are the plans against which the Council made its decision. I have therefore determined the appeal on the same basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 148 Wootton Road, with particular reference to outlook.

Reasons

4. The appeal building is a detached bungalow located in a predominately residential area containing a variety of single and two-storey properties, many of which have been altered over time. The area has a relatively dense urban grain where properties are typically positioned in close proximity to one another. No 148 to the north has a close relationship with the appeal building and is a single storey dwelling of a similar size and height with habitable rooms in its south facing side elevation.
5. The appeal proposal would result in a first-floor extension across the entire existing pitched roof portion of the dwelling, in addition to a two-storey side extension to the south. The first-floor extension would extend almost the entire length of No 148 and the increased height and scale, in such close proximity to the neighbour's habitable room windows, would result in a visually intrusive and overbearing impact. Due to the combination of the close relationship and length and height of the extension, users of the neighbouring habitable rooms would feel hemmed in, and their outlook would be significantly restricted. This would result in an increased sense of enclosure and an oppressive environment for the occupiers of this neighbouring property, which would significantly impact their living conditions.

6. Having regard to the supporting solar shading report, the Council is satisfied that there would be no significant overshadowing effect on No 148. I have no reason to disagree with this assessment based on the evidence before me and what I observed. However, this is a neutral matter, is not confirmation that the effect upon outlook would be acceptable and does not outweigh the harm that I have identified.
7. There are examples of properties cited in close proximity to one another in the locality. The appellant has drawn my attention to examples; however, it appears that three of the images relate to relationships between two-storey dwellings and so are not directly comparable to the appeal scheme. One image relates to the relationship between a two-storey dwelling at No 154 and the adjacent bungalow (No 156). However, I am unaware of what the windows in the southern elevation of No 156 serve, whether these are the only or main windows serving the respective spaces such that they are affected to the same degree as No 148 and note that the dwellings appear to be as originally constructed. I am therefore unable to draw any direct comparisons with the appeal scheme. Notwithstanding this evidence, each scheme must be considered on its individual merits in any event, and potentially harmful arrangements elsewhere do not justify allowing other harmful development, so these examples do not alter my conclusions.
8. I also note that the Council finds no harm with the two-storey side extension proposed on the southern elevation, given its relative positioning with and separation from neighbouring properties. I find no reason to take a different view. Furthermore, I note the appellant has sought to address the initial concerns raised by the Council through amended plans, however this does not alter my conclusions on the main issue.
9. For the above reasons, I conclude the development would have an unacceptable effect on the living conditions of the occupiers of 148 Wootton Road, with particular reference to outlook. This would conflict with Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) which, amongst other things, seeks to promote community wellbeing, high quality design and ensure that development does not have a significant adverse impact on the amenity of neighbouring occupants.

Other Matters

10. The appellant refers to upward extensions of dwellings falling under "permitted development" under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), subject to prior approval from the Council. However, it is not for me, under a Section 78 appeal, to determine whether the development would comply with the GPDO, be granted prior approval, or would be lawful. Furthermore, no detailed plans indicating what would be permitted under the GPDO are provided. It is open to the appellant to apply to the Council for a separate determination under the GPDO or Sections 191/192 of the Act, independently of the outcome of the appeal, so this attracts limited weight and does not outweigh the harm I have found.
11. The proposed development would provide additional living space for the appellants' growing family. However, there is no substantive evidence demonstrating the appeal proposal is the only, or least harmful way, of providing the additional accommodation sought. I therefore consider that the harm that would be caused by the proposed

development clearly outweighs the needs of, or benefits to the appellants and it is therefore proportionate and necessary in these circumstances to dismiss the appeal.

12. I also acknowledge that the proposal has some local support. However, this is not a definitive measure of whether or not a development would be harmful and does not alter my conclusion on the main issue.

Conclusion

13. For the reasons given above the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR