



Appeal Decision

Site visit made on 10 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24TH July 2025

Appeal Ref: APP/Y2620/D/24/3354661

27 Shipden Avenue, Cromer, Norfolk NR27 9BD

- 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 Andrew Crane against the decision of North Norfolk District Council.
 - The application Ref is PF/24/1206.
 - The development proposed was initially described as '*proposed single storey rear extension and internal alterations to provide additional ground floor accommodation to meet the needs of disabled occupants*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally described upon submission in the terms set out in the banner heading above. I have however noted the more concise description of the development given to the appeal scheme as set out on the local planning authority's (LPA) decision notice and as subsequently adopted by the appellant in his appeal submissions.
3. In the period since the LPA's determination of the planning application and the submission of this appeal, an updated and revised version of the National Planning Policy Framework (the Framework) was published¹. I am satisfied that, other than changes to paragraph numbering and paragraph structures between the current and previous versions, the sections relevant to the matter before me have not materially changed. References to Framework paragraphs hereafter are to the current December 2024 version. I have determined the appeal accordingly and in so doing I am satisfied that neither main party would be disadvantaged by this approach.

Main Issues

4. The main issues are the effects of the proposed extension upon:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook and daylight and sunlight; and
 - The benefits of the proposed development to the appellant and the appellant's family Reasons

¹ December 2024

Character and appearance

5. The appeal property is a modest semi-detached property. Previously set in a larger garden plot similar to that of its adjoining half (No. 25), a recently built dwelling (no 27a) lies just to the side of No. 27, separated from it by a shared driveway that leads to a turning and parking area at the foot of their respective gardens. Although narrow, the remaining rear garden plot at the appeal property is of a generous length, whilst that of the adjoining property is both long and reasonably wide.
6. The LPA have stated that the proposed extension would project in the region of 13 metres from the rear of the house. Immediately at the rear, it would extend across the full width of the rear elevation, before stepping in from the fence between Nos 27 and 25. This gap would be sufficient to allow for pedestrian access into the extended property from the garden.
7. The appellant acknowledges that the extension is 'substantial' in its length and that it is 'larger than typical rear extensions'. I agree. I do not, however, agree with the appellant when it is stated that the extension would respect the scale, massing and form of the surrounding area.
8. No examples have been given as to how or why this would be the case with regard to the surrounding area, nor were any similarly sized extensions particularly visible when viewing the appeal site and the surrounding area. The materials may well have been a good match for the existing property and the pitched and hipped roof design would broadly reflect that of the main house. However, these factors would not disguise the scale, bulk and mass of the proposed extension which would, in the context of the host property's dimensions, be excessively large and out of scale and proportion with the host property.
9. The extension would as a consequence dominate the rear of the property and be an incongruous addition when viewed from the rear from neighbouring and nearby properties. Nor would the buildings incongruous scale be limited to views from the rear. The extension's significant depth would also be evident from the street frontage between Nos 27 and 27a, where the continuous flank wall would essentially create a lengthy tunnel between those two properties. Given the generally long rear gardens typical of the surrounding area, this would be inconsistent with the prevailing character and built form.
10. Although the appellant has indicated that the internal floor area of the extension has been reduced from that of a previous (withdrawn) scheme, the extent of the reduction would appear to be limited. Given the extension's otherwise substantial dimensions, I am not persuaded that the appellant's efforts to reduce its size have been successful or sufficient to mitigate the harm that I have identified.
11. North Norfolk Core Strategy (NNCS) Policy EN4 sets out the LPA's approach to achieving developments and design to a high quality. Design that does not preserve or enhance the character or quality of an area, or which fails to have regard to local context, will not be acceptable, it states. Scale and massing of buildings should relate sympathetically to the surrounding area, whilst the North Norfolk Design Guide Supplementary Planning Document² (SPD) notes that additional space requirements should not be the only consideration in assessing

² December 2008

extensions and recognises that the effect an extension can have on the character and appearance of the host property is of equal importance. For the reasons I have set out, the proposed extension would fail in these regards and would thus be contrary to NNCS Policy EN4.

12. Chapter 12 of the Framework sets out the Government's objectives for achieving well-designed places. The LPA has not referred directly in its delegated officer report to specific paragraphs or provisions within the Framework, other than citing Framework chapter 12 in the reason for refusal. Nevertheless, it states that the creation of high-quality buildings is fundamental to what the development process should achieve. It goes on to state that planning decisions should ensure, amongst other things, that developments function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development and are visually attractive. In this respect, the provisions of the Framework, whilst not decisive in itself, supports my conclusions in respect of this main issue.
13. I have noted the appellant's contention, in setting out an extract of the LPA's delegated officer report, that it is considered that the principle of the proposal is acceptable. This however is more an observation that an extension to an existing dwelling within the settlement boundary of a 'principal settlement' is likely to be acceptable in principle than a specific endorsement of the principle of the appeal proposal. I note, too, the adoption of a pitched and hipped roof within the appeal scheme (as an amendment to the previously withdrawn scheme) which would, I accept, be a reasonable reflection of the style of the main house's roof. However, for the reasons I have set out, I concur with the LPA's assessment with regard to the harm to character and appearance of the appeal property and surrounding area that would result as a consequence of the proposed extension. The pitched hipped roof design would not overcome this.

Living conditions

14. The extension would be positioned due south of the adjoining dwelling at No. 25. Although it would be inset from the boundary for almost all of its length, it would only be so by the width of a walkway between the extension and fence to provide a rear access to the extension.
15. Whilst I accept that the closest part of the extension immediately at the rear of the house would be flat roofed, and the remainder of the extension would have a pitched, hipped roof, and would therefore be somewhat recessive in its scale and nature, its substantial overall projection would nevertheless be a significant presence when viewed from ground floor level at No. 25. I accept too, that the fence that divides the properties would be of a sufficient height, as also indicated on the submitted plans, to largely screen from view most of the vertical element of the extension's wall.
16. It would not do so entirely, however and notwithstanding the receding nature of the roof slope, the overall scale of the extension would be such that it both its overall projection and the upper portion of the extension would be visible above the fence line. As such, the presence of the extension would be a constant factor in the outlook from the rear of No. 25 and as such it would significantly and harmfully impinge on the outlook enjoyed by occupiers of No. 25.
17. Similarly, the combination of the extension's depth, height, proximity to the neighbouring property at No. 25 and its position and orientation relative to it, are

such that it would inevitably result in the loss of some morning sunlight from the rear of No. 25. The presence of the extension above the height of the fence, notwithstanding its slight set-back from the fence (for the majority of its length) and recessive roof line, would still be a considerable visual and physical presence when viewed from the rear of No. 25.

18. NNCS Policy EN4 sets out the LPA's approach to securing high quality design. Amongst other considerations, it states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The SPD provides advice in respect of extensions to existing properties. The effect on the amenities of neighbouring properties (and character and appearance) is described as being of 'equal importance' to additional space requirements, and extensions should be designed in a way so as not to result in any loss of light to adjoining properties, and to avoid any overshadowing, tunnelling or overbearing effects.
19. The rear elevation of No. 27a is offset from that of No. 27, is separated from it by a shared driveway and is located to the south of the proposed extension. Thus, whilst I am satisfied that the effects of the extension upon the living conditions of occupiers of No. 27a would not result in harm in these terms, it would have a significant and detrimental effect on living conditions and residential amenity of those occupiers of No. 25 for the reasons set out. The appeal scheme therefore fails to secure the high-quality design, and the appropriate consideration of effects on residential amenity, sought by NNCS Policy EN4. Although not decisive in its own right, that the appeal scheme also fails to follow the guidance and advice set out in the SPD adds weight to my conclusions in respect of living conditions, whilst the Framework also seeks to ensure that a high standard of amenity for existing and future users is achieved.

The benefits of the proposed development to the appellant and the appellant's family

20. The extension has been designed to provide sufficient accommodation to allow a multi-generational extended family with caring responsibilities for disabled family members to come together to live in a single dwelling. At present the appellant's family are residing at the appeal property and the appellant at another property elsewhere locally.
21. It is understood that the appellant does not currently live at the appeal property due to its current constraints. I do not underestimate the importance and significance of the appellant's family being able to reside at a single property, and particularly one which has been purposely extended and adapted for the particular needs of the appellant and his family. In support of the proposal, the appellant has submitted a redacted Disabled Facilities Grant (DFG) decision from Norfolk County Council regarding the particular circumstances informing the design and layout of the proposed extension. This sets out particular requirements that have been incorporated into the proposal's design. Thus, the extension's internal layout would provide suitably designed, configured and adapted rooms for family members to allow for the appropriate provision of care and living conditions.
22. The proposal would allow for the adaptation of the existing property to provide suitable, specialist housing and care provision for family members and supporting the family unit, as well as the social objective of fostering inclusive and mixed communities. It is also stated that the proposal would avoid additional burden on

the taxpayer in relation to the costs of social care and accommodation elsewhere within the county. These aspects fall within the social and economic objectives of the planning system as set out by the Framework.

23. The appellant has paraphrased the provisions of Article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC) in that *'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'*. Although the provisions of Article 3(1) are not incorporated into UK law, Article 8(1)³ of Schedule 1 of the Human Rights Act 1998 (HRA98) provides that everyone has the right to respect for their private and family life. In addition, Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) provides that *'states..should recognise the equal right of all persons with disabilities to live in the community...'*.
24. I am mindful of references to a previously withdrawn scheme for the extension of the appeal property presumably, although it has not been expressly stated as such, to provide facilities of the type included within the appeal scheme. I have no details of that scheme before me, other than a vague written description of differences between that scheme and the appeal scheme. Reference has also been made to the possibility of a two storey extension that the appellant claims the LPA reacted favourably too, but I have no details of any such scheme before me. These schemes do at least indicate that there may be other means by which to provide the type of accommodation sought by the appellant and supported by the DFG requirements. As such, I cannot be certain that the appeal scheme represents the only, or rather, the least harmful way of extending the property to provide for the appellant's and his family's needs.
25. In addition to consideration of the rights set out under Article 8 of the HRA98, I am also mindful of, and have given due consideration to, the provisions of the Equality Act 2010⁴ in relation to the public sector equality duty (PSED). However, for the reasons I have set out, the harm that arises in terms of the building's effect on character and appearance, and the living conditions of occupiers of the neighbouring property outweigh the benefits to the appellant and the appellant's family that the proposed extension and its internal layout would bring.

Other Matters

26. The appellant has described broad social and economic benefits that would arise from the proposal in that the adaptation of the appeal property in the manner sought would reduce future burden on local social care services and the taxpayer whilst providing local, family-based care. A suggestion of the costs involved are provided but the sources of these figures have not been provided, nor have I been provided with any verification of the quoted sums. This, it is argued, is a public benefit arising from the proposal and, whilst that may be so, the weight that it carries is limited for the reasons I have set out.
27. It is also noted that there was no objection to the proposal from the LPA on highways grounds and that it is agreed that, as an extension to an existing dwelling, the proposal is exempt from the mitigation tariff in connection with the Norfolk-wide Green Infrastructure and Recreational Impact Avoidance and

³ Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the HRA98

⁴ Section 149

Mitigation Strategy (GIRAMS) with regard to the effects of proposals on European sites had I been minded to allow the appeal. I have not been presented with any reason to disagree with regard to either of these matters.

Conclusion

28. The personal circumstances of the appellant and the appellant's family are noted and the justification and reasoning for the extension in its proposed form are all matters that I give substantial weight to. The best interests of the child, in terms of the justification for and the design of the proposed extension is a primary consideration and the provision of well-designed and suitable accommodation directly contributes to the well-being of vulnerable individuals.
29. In respect of this matter, I have taken into account the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, the provisions of Article 8(1) of the HRA98 and of Article 3(1) of the UNCRC and Article 19 of the UNCRPD. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others, as well as the appellant's right to family life.
30. Nor has it been adequately demonstrated that there are not alternative, less harmful ways of achieving suitably designed and adapted accommodation. My decision to dismiss the appeal on the evidence is thus a necessary and proportionate approach to the legitimate planning aim of seeking to secure sustainable, high-quality development consistent with the overarching objectives for the planning system as set out by the Framework. Nor am I persuaded that the imposition of conditions would be sufficient to render the proposal acceptable in planning terms.
31. For the reasons set out and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR