



Appeal Decision

Site visit made on 13 February 2018

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2018

Appeal Ref: APP/V2635/D/17/3192418

The Dell, Ely Road, Hilgay, Downham Market PE38 0JN

- 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 Mr Daniel Mercer against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 17/01670/F, dated 3 September 2017, was refused by notice dated 5 December 2017.
 - The development proposed is a rear ground floor and basement extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of adjacent occupants.

Reasons

3. The appeal dwelling is one of a pair of semi-detached houses which are close to the road frontage. To the rear the gardens of both houses fall sharply away and I saw that both properties have decking to the rear that is raised above the ground levels. The rear decking to the appeal property is more extensive than that at the adjoining house (Marian House). The proposed basement extension would replace the existing decking. The ground floor extension would be of lesser depth and adjacent to Marian House.
4. I saw that the ground floor rear wall of Marian House is on a similar alignment to the main rear wall of the appeal dwelling and that there is a small conservatory to the rear of the appeal dwelling that would be replaced. The ground floor extension would be of significant depth in relation to the existing house and as it would include a basement it would be of two storeys in height albeit that the basement would be at a low level. The basement would extend further to the rear with a fence or railing on top. The sloping roof would extend almost up to eaves level. I find the scale of the extension to be excessive and that it would have an unacceptably dominant and overbearing effect on the neighbour at Marian House. As the extension would be immediately to the south of that property it would also be likely to overshadow its rear garden. This would add to its generally oppressive effect.
5. I note that the appellant owns Marian House but this does not alter the detrimental effect that the proposal would have on its occupants. Planting

could be provided to mitigate the appearance of the extension but this would not overcome my concern in terms of its size. The appellant says that he intends to extend Marian House to the rear but I must consider the proposal in its existing context.

6. On the other side of the site I saw that the existing boundary hedge between the site and Holly House ensures a good level of privacy to the rear garden of that property and that there are no ground floor windows in that property that would face the proposed extension. The proposed patio/decking above the basement extension would replace the existing decking and would not increase opportunities for overlooking. The ground floor extension would incorporate glazing in its side elevation facing Holly House but overlooking of the neighbour's garden from the extension would only potentially be possible if the hedge were to be cut back. A condition could be imposed requiring provision of a privacy screen if the appeal were to be allowed. For these reasons the proposal would not materially increase the potential for unacceptable overlooking of that neighbour.
7. Although I find no harm in the latter respect this does not alter my conclusion on the main issue in terms of the overbearing effect on the neighbour at Marian House. Policy CS08 of the Core Strategy¹ and policy DM15 of the Development Management Policies² require high quality design and consideration of the impact on neighbouring occupants. For the reasons given the proposal would not accord with those policies. I conclude that the proposal would unacceptably harm the living conditions of adjacent occupants.

Conclusion

8. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

¹ King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)

² King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)