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# Appeal Decision

Site visit made on 25 January 2021

by **David Spencer BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2021

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**Appeal Ref: APP/Y2620/W/20/3259961**

**8 Langham Road, Blakeney NR25 7PG**

- 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 & Mrs Ingham against the decision of North Norfolk District Council.
  - The application Ref PF/20/0564, dated 25 March 2020, was refused by notice dated 15 September 2020.
  - The development proposed is erection of one and a half storey detached dwelling (part retrospective).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters and Main Issue

2. The description of the proposal in the decision banner above is taken from the Local Planning Authority's (LPAs) decision notice and is the same as on the appellants' appeal form. Given the reasonably complex planning history and what has been constructed to date on site, I consider that it accurately describes what was applied for.
3. The main issue in the appeal is whether the proposed development would provide acceptable living conditions for future occupiers with regard to outlook and daylight levels.

## Reasons

4. The appeal site is located within the built fabric of Blakeney with surrounding housing at reasonably close quarters including the two-storey host dwelling at No.8 Langham Road, the single storey dwelling known as 'Close By' to the north-west of the appeal dwelling and other nearby housing on both Queens Close and Langham Road. Due to this pattern of development the appeal site has a constrained nature, requiring particular consideration be given to protecting the amenities of both neighbouring residents as well as future occupants of the dwelling.
5. At the time of my site visit a chalet scale dwelling has been constructed on the appeal site including at first floor level two bedrooms with en-suite facilities. None of the proposed rooflights had been implemented but openings have been inserted in the south and west elevations of the building to service bedroom 3 and its ensuite. The proposed plans show a slightly larger opening on the south elevation than what has currently been installed. The proposed scale of opening on the southern elevation would provide acceptable daylight and

- outlook to bedroom 3. There would be a reasonable degree of separation due to the surgery car park and highway to avoid any harmful overlooking of housing and gardens to the south on the corner of Langham Road and Queens Close.
6. In respect of bedroom 2 the proposed means of natural light and outlook would be solely via two rooflights. The lower rooflight on the western elevation would be obscured glazed, leaving the principal means for light and outlook being the rooflight proposed on the eastern elevation. To avoid harmful overlooking of the nearby No.8 Langham Road and other properties to the north on Langham Road, the rooflight would be positioned in the pitch of the roof so that the sill would be 1.7 metres above floor level. Whilst sky would be visible in some parts of the room, there would be no other outlook and for most occupants of this room there would be a harmful sense of enclosure. The proposed approach would also result in variable levels of natural light resulting in a predominantly gloomy room.
  7. Whilst bedrooms are principally rooms for sleep, they can also serve as private rooms during the day for study, home-working, quiet relaxation (such as reading) and children's play, all of which may be particularly necessary for potential occupants of the dwelling given the ground floor open plan layout. The proposed openings for bedroom 2, because of their high position and modest scale, would not provide suitable levels of natural light or outlook for these functions.
  8. The appellant suggests that the use of bedroom 2 is intended as a secondary room, even though the layout includes ensuite provision, which could be restricted by condition to be used as a study or storage room only. As set out above I do not consider the proposals for bedroom 2 would be appropriate for a study use in any event. Whilst a colleague Inspector found such a restrictive condition would meet the necessary tests for a condition, I have relatively few details of the circumstances in that case. It appears to relate to size of room rather than outlook or light levels and is therefore of limited comparison to the situation at the appeal scheme. In contrast to that appeal, I share the view of the LPA that without some form of regular and intrusive inspection, such a condition would not be enforceable and therefore would not meet the tests at paragraph 55 of the NPPF. As such the appellant's proposed condition would not mitigate the harm identified.
  9. I therefore conclude that the appeal proposal would not provide acceptable living conditions for the future occupiers of bedroom 2 with regard to outlook and daylight levels. Consequently, the proposal would be contrary to Policy EN4 of the North Norfolk Core Strategy which requires new dwellings to provide acceptable residential amenity. It would also fail to accord with the NPPF at paragraph 127(f) which requires all developments to secure high standards of amenity for existing and future users.
  10. I have taken into account all other matters raised but there is nothing that leads me to conclude other than the appeal should be dismissed for the reasons given.

*David Spencer*

Inspector.