The Planning Inspectorate

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Your Ref: PL/2023/09325
Our Ref: APP/Y3940/W/24/3341764

19 February 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Sam Lowings
Site Address: Mill Cottage Mill Lane, Fovant, SALISBURY, SP3 5JP

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Rachel Owen
Rachel Owen

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2025

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/Y3940/W/24/3341764
Mill Cottage, Mill Lane, Fovant, Wiltshire SP3 5JP

- 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 Mr Sam Lowings against the decision of Wiltshire Council.
- The application Ref PL/2023/09325 was approved on 11 January 2024 and planning permission was granted subject to conditions.
- The development permitted is create new room above existing single storey storeroom.
- The condition in dispute is No 3 which states that: *'Before the development hereby permitted is first occupied the window in the South facing rear elevation of the extension hereby approved (serving the bathroom) shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and the window shall be permanently maintained with obscure glazing in perpetuity'*.
- The reason given for the condition is: '*In the interests of residential amenity and privacy*'.

Decision

1. The appeal is allowed and the planning permission Ref PL/2023/09325 to create new room above existing single storey storeroom at Mill Cottage, Mill Lane, Fovant, Wiltshire SP3 5JP, granted on 11 January 2024 by Wiltshire Council, is varied by deleting condition 3.

Preliminary Matters

2. On the application form, the applicant is named as Stephen Lowings whereas on the appeal form, the appellant is named as Sam Lowings. However, file correspondence confirms that they are one and the same person. I am therefore satisfied that the appellant can make the appeal.

Background and Main Issue

3. The appeal relates to an extension to an existing dwelling. On my visit, I saw that a side extension has been built, although it has some differences of detail to the submitted plans, such as the design of the dormer. As a result, I shall treat the application and appeal as being for a proposal.

4. The proposal includes a first-floor window that would face to the rear of the property. The submitted floor plan shows that the room served by this window would be a bathroom, though it may have a different use in the future. Condition 3 requires this window to be glazed with obscure glass. The National Planning Policy Framework requires that planning conditions should only be imposed where they are, amongst other things, necessary.

5. The appeal site adjoins a dwelling, Springfield. The reason for the condition does not specify whose residential amenity it seeks to protect. However, the Officer Report refers to the condition in respect of the effect on the occupiers of

Springfield. As such, the main issue is whether condition 3 is necessary in respect of the living conditions of the occupiers of Springfield, with regard to privacy and amenity.

Reasons

6. The proposed window would be close to Springfield and its garden. The somewhat curved boundary between the properties is arranged so that, if the window were unobscured, glimpsed views would be available into a small part of the rear garden of Springfield.

7. However, the views available would be oblique, being broadly along the boundary line at its points closest to the window. As such, the views would not be particularly intrusive or oppressive. Such a relationship as that proposed would not be uncommon in built-up areas, where a degree of mutual overlooking is expected. Furthermore, Springfield has a garden of fairly large size, and existing vegetation would heavily filter views from the window, and vice-versa, even during winter months when foliage is reduced.

8. For these reasons, as a matter of planning judgement, the use of clear, unobscured glazing would not result in an undue level of overlooking or loss of amenity to the occupiers of Springfield and its garden. Consequently, condition 3 is not necessary in respect of their living conditions with regard to privacy and amenity.

Conclusion

9. I conclude that the appeal should be allowed, and the planning permission varied, to delete condition 3.

O Marigold

INSPECTOR