

12.236 Overbearing impact/loss of outlook

As well as considerations such as daylight and sunlight deprivation that can be objectively assessed, there may be more subjective matters that are equally important as planning objections, such as the sheer overbearing character of what is proposed. As discussed in [4.1351](#), it is not the role of the planning system to protect private views as such. So an individual's cherished view over neighbouring land of some distant object, building or scenery - as distinct from his or her more immediate dominance by a building - is not a material consideration, unless the view in question coincides with a public view that it is important to protect. But where a development would interfere with the outlook from a living room window, to the extent that the building would appear unduly intrusive and oppressive, there is no doubt that this is an important and legitimate consideration. Therefore bearing in mind all the relevant factors relating to light and aspect, a judgement must be made whether a proposed extension would result in a significant reduction in the level of amenity that an occupier of an adjoining property could reasonably expect to enjoy in a particular neighbourhood.

In *McGowan v SoS 20/03/02* the High Court rejected an application from aggrieved appellants for a challenge to an inspector's decision to dismiss an appeal that had sought permission for a substantial extension to their home because it would be "overlarge and domineering", on the grounds that it was not well founded. The court held that "the views of the proposed development from properties on either side were not irrelevant considerations".

In order to protect outlook many supplementary planning documents require a minimum separation distance between the window to a habitable room and a facing blank wall to a two-storey dwelling. Typically this is within the range of 12m to 15m. Compliance with the 45 degree code is another common way of ensuring that a neighbouring dwelling's outlook is not unacceptably compromised.

A single and part two storey extension to a dwellinghouse would have partly obscured views of the sea from a neighbouring property but this was not unduly harmful to its outlook, an inspector decided in *Lewes 02/11/2015 DCS No 400-009-421*. Direct views of the sea from a kitchen window would be very significantly reduced as a consequence of the proposal, the inspector agreed, but an oblique view would remain available. Nor would the two storey element give rise to an overbearing or oppressive outlook. Uninterrupted views towards the sea would remain possible from other windows in the property. The neighbouring family did have a child with complex difficulties who enjoyed looking at the sea from the kitchen window. The child's mother and medical professionals claimed that this would result in physical and psychiatric harm to the child. While the inspector expressed considerable sympathy with the child and family she was not convinced that alternative means of addressing the child's needs could not be found including some internal re-organisation of the kitchen. The appeal was allowed.

A condition imposed on a permission authorising the erection of rear extensions to two properties was judged to be necessary to prevent either of the extensions from becoming oppressive. The property comprised a two storey semi-detached dwelling and along with its neighbour had a rear projection set away from the common boundary by over two metres. The intervening area was used as a patio. Extending only one of the properties in isolation would result in a six metre long development which would reduce the gap between the rear projection of the adjoining dwelling and the appellants' property. This would create a 'tunnelling' effect with the extension appearing as a 'looming' addition. Its scale, volume and proximity would be oppressive and consequently removing the condition would result in an unneighbourly form of development and a bad design. See *Epping Forest 05/12/2013 DCS No 400-002-653*.

In *South Cambridgeshire 16/09/1988 DCS No 040-929-142* an inspector observed that a two-storey extension would "look most oppressive and claustrophobic" to those living next door, and in (*Cardiff City Council 18/6/89*) a second storey rear extension was thought to have a dominating

and gloomy effect. In (Highland R.C. 12/6/90) a reporter felt that a single-storey rear extension of 2m in length and 2.9m to the eaves which was only 0.5m from the only window to an adjacent bedroom would result in a significant detraction from the amenity of the adjoining property.

The reinstatement of a three-storey extension was considered in Lambeth 18/07/2006 DCS No [100-043-786](#). The three-storey terraced house was similar to other properties and, apart from the appeal dwelling and its neighbour, all had three-storey extensions that were slightly lower than the main houses themselves. However the appeal property had a shorter extension as consequence of bomb damage sustained during the Second World War. The scheme would increase the existing extension by well over 4m and in the inspector's view this would have an overbearing effect on occupiers in the adjoining property. The fact that it had originally been built to this length did not provide a justification for allowing development that would be unneighbourly and harmful to the amenity of others. The appeal was dismissed.

Another example, but this time involving a considerably smaller property, was St Albans 16/02/2006 DCS No [100-041-179](#). Here it was proposed to erect a second bedroom over an outbuilding at the rear of a one-bedroom flat in order to create a two-storey dwelling. However an inspector noted that the immediate surroundings to the site were fairly tightly developed with two-storey properties on narrow plots. The extension would materially affect the outlook for people living next to the site because it would create an overbearing building that would overshadow their gardens and prevent views over the single-storey outbuilding.

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