
Appeal Decision

Site visit made on 19 October 2016

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/W1145/D/16/3149603

3 Estuary View, Northam, Bideford, Devon, EX39 1XZ

- 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 Michael Hallum against the decision of Torridge District Council.
 - The application Ref 1/0855/2015/FUL, dated 10 August 2015, was refused by notice dated 3 November 2015.
 - The development proposed is first floor conservatory extension to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for first floor conservatory extension to rear of property at 3 Estuary View, Northam, Bideford, Devon, EX39 1XZ in accordance with the terms of the application Ref 1/0855/2015/FUL, dated 10 August 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision; and
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, all dated 12 August 2015: Location Plan; Block Plan; Proposed First Floor; Existing First Floor; Existing Ground Floor; Existing Rear Elevation; Proposed Rear Elevation; Existing and Proposed Right Side; and Existing and Proposed Left Side.

Main Issue

2. The parties agree that considerations of overlooking and other impacts on the living conditions of the occupiers of neighbouring properties have been overcome, and that the effect of the proposal on the street scene from Appledore Road, to the rear of the property, would be negligible. The only main issue therefore is whether the proposal would be acceptable in relation to the character and appearance of the existing dwelling.

Policy background

3. The emerging Local Plan has not yet been examined and can be afforded little weight at this stage. Therefore the saved policies of the Torridge District Local Plan 1997-2011, in addition to national policy, set out the appropriate policy base on which to consider the proposal.

Reasons

4. The appeal property is a reverse level, two-storey detached house, within a residential area. The property has an existing large rear ground floor conservatory in common with several others nearby, taking advantage of the superb coastal views. There are also some first floor conservatories nearby.
5. The uPVC and extensive glazing of the proposal contrasts with the more traditional materials in the host building. This, however, needs to be seen in the context of the whole dwelling, including the existing conservatory, which now forms part of the established character of the house.
6. The Council refers to three local plan policies as well as paragraph 58 of *the Framework*¹ in support of its decision to refuse the application. Policy DVT6 deals with enhancing the local vernacular; DVT7 with the need for development to be compatible within its context; and HSC4 covers house extensions and annexes and refers to scale and design (criterion 1 a). Conservatories, using the same external materials as the appeal proposal, are widespread in the area and form part of its character, i.e. a key aspect of the context or vernacular.
7. The main difference in relation to most of the neighbouring conservatories is the height of the proposal. Its impact however would be mitigated by the stepped approach, and by respecting the existing height of the host building by not exceeding it. As such, I consider the proposal would harm the rear elevation of the dwelling and would not be contrary to the above local plan policies.
8. In relation to paragraph 58 of *the Framework*, the proposal would function well and add to the overall quality of the area (bullet 1); optimise the site potential (bullet 3); not harm the local surroundings (bullet 4); and not be visually unattractive in its context (bullet 6). I therefore consider that the proposal would not be contrary to national policy.

Conditions

9. The Council has not suggested any conditions, and on this basis I have only included the standard time condition and a condition that links the decision to the submitted plans in the interests of proper planning.

Conclusion

10. I have found that the proposal would not harm the character and appearance of the appeal property or the area, and as such it would not be contrary to the relevant policies in the local plan and *the Framework*. For the reasons given above, and having regard to all other matters raised, and subject to the conditions set out above, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.