
Appeal Decision

Site visit made on 15 November 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/U1105/D/16/3157122

Franklyn, The Strand, Lympstone, Devon EX8 5EX

- 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 Paul Versey against the decision of East Devon District Council.
 - The application Ref 16/0307/FUL, dated 7 February 2016, was refused by notice dated 6 June 2016.
 - The development proposed is described on the application form as *"To change existing single glazed dormer window with hardwood painted inward opening. Proposal is to lower the dormer from 1.1m high to 1.8m high. On the elevation we are changing the existing UPVC windows with traditional hardwood painted sash windows and using a hardwood painted stable door."*
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Decision

1. The appeal is allowed and planning permission is granted for alterations to dormer window to create juliet balcony at Franklyn, The Strand, Lympstone, Devon EX8 5EX in accordance with the terms of the application, Ref 16/0307/FUL, dated 7 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Land Registry Title Plan, Location Plan, 1A, 2A, 3A and 4A.

Preliminary Matter

2. The Council's decision notice describes the development as "Alterations to dormer window to create juliet balcony". This adequately and accurately describes the development and I have used this description in my decision and determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to their privacy.

Reasons

4. At the time of my site visit the property was being renovated, but the existing dormer window remained unaltered. The dormer window faces the side
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elevation of No 10 Harefield Cottages. This is a small property with a bedroom within its roofspace which is served by a small window on the side elevation facing the appeal site. Slipway Cottage is angled towards the site and has windows at ground and first floor level which are also visible from the existing dormer window. The immediate area is characterised by small properties packed tightly along narrow streets and passageways giving a sense of intimacy and enclosure. As such the close proximity of properties to each other means a certain degree of intervisibility between houses is already prevalent.

5. The proposal would substitute the existing window with a pair of inward opening glazed doors behind railings or glass panels. There would be no material increase in floor area as the drawings show the railings or glass would be immediately in front of the doors. Accordingly the width of the glazing would not increase and occupiers of the dwelling would not be able to stand any closer to neighbouring properties. Indeed the most significant change would be an increase in the length of the glazing. However this would not increase the potential for future occupiers of the development to look into No 10 Harefield Cottages or Slipway Cottage. I also do not consider the proposal would necessarily encourage future occupiers to linger at the window any longer or any more often than would be currently likely, were the building occupied.
6. I accept the increase in the size of the glazing may result in the neighbouring occupiers having a perception of being overlooked to a greater degree than at present. However as I do not consider the potential for overlooking would be increased as a result of the development, I give limited weight to this consideration.
7. In conclusion, the privacy of the occupiers of the neighbouring properties, particularly No 10 Harefield Cottages, would not be materially diminished as a result of the proposal and therefore their living conditions would not be adversely affected. Therefore the development would accord with Policy D1 of the East Devon Local Plan which requires development to not adversely affect the amenity of occupiers of adjoining residential properties. It would also not conflict with the general design advice in the Lymington Neighbourhood Plan.

Other Matters

8. The site is within the Lymington Conservation Area (LCA) which is characterised by small houses built at a high density and grouped around narrow passageways or streets. Many of the other properties in the LCA have dormer windows of varying sizes and there are also some examples of Juliet balconies at roof level. Although the glazed doors would be larger than the other dormers in the terrace within which the site sits, they would not appear as alien features in the LCA. As such the proposal would not appear incongruous in its context and would preserve the character and appearance of the LCA. The lack of an objection from the Council's Conservation Officer supports my view.
9. I note Slipway Cottage is a Grade II listed building, as is Peter's Tower on the waterfront, a short distance from the site. The setting of these listed buildings is largely derived from the close knit pattern of the surrounding development. The nature and small scale of the proposed development means that the setting of these listed buildings would be preserved.

10. I have considered whether the proposal would be likely to increase the noise experienced by neighbouring occupiers. However whilst the development would involve a larger opening, I have no evidence to suggest that the use of the room it serves would be likely to be noisy to the extent that it would adversely affect the living conditions of neighbouring residents.
11. I do not consider the potential for overlooking into the appeal site from neighbouring properties would be materially worse as a result of the small increase in the size of the glazing.

Conditions

12. In accordance with the requirements of the Planning Practice Guidance and the National Planning Policy Framework I have imposed the standard condition relating to the commencement of development, and a condition specifying the relevant plans in order to provide certainty.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR