
Appeal Decision

Site visit made on 17 January 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 24 January 2017

Appeal Ref: APP/W1145/D/16/3164077

10 South Road, Appeldore, Bideford, EX39 1QH

- 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 Ms Jeannie Lilleywhite against the decision of Torridge District Council.
 - The application Ref 1/0701/2016/FUL, dated 12 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is erection of a dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concern that it was not possible to view a copy of the Council's Officer Report when their Statement of Case was being prepared. As a result, once the Officer Report had been provided by the Council, it was sent to the appellant, who was given the opportunity to provide additional comments, although none were made. Consequently, I consider that no parties have been prejudiced. The appellant has also set out that she is aggrieved that there was no attempt from the Council to communicate with the appellant prior to the refusal of the application. However, this matter should be taken up with the Council and falls outside of the remit of this appeal.

Main Issue

3. The main issue of the appeal is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

4. The appeal site is located on South Road and accommodates a two-storey mid terrace property. The immediate area is predominantly residential and I observed that the majority of properties along South Road remain largely unaltered. It was clear that the relatively uniform and unaltered appearance of the properties along South Road contributes significantly to the street scene's character and appearance. This can also be said for the terrace of dwellings that the appeal site falls within. In my view, such features give South Road its own distinct character and appearance.
 5. The proposal would erect a dormer window on the front elevation of the host property. Whilst this would be relatively modest in size, it would nonetheless interrupt the uniform character and appearance of the terrace and the street scene. This would result in the dormer window drawing undue attention to
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itself and despite its modest size, I consider that it would appear as a dominant and incongruous feature to the host dwelling, the terrace and to the wider street scene.

6. The appellant maintains that the proposed dormer window would not be overly dominant as it would be set back from the road and would not be easily seen. However, whilst I accept that the terrace angles away from the road and is set back from it, it was evident that the dormer would still be clearly visible within the street scene, when in the vicinity of the appeal site. Further, due to the topography of the area, the host property sits at a greater height than the road, increasing its visibility when viewed from South Road. This would increase the prominence of the proposed dormer window in the street scene.
7. I acknowledge that the wider area includes industrial units and solar panels on the front of some buildings. However, these lie slightly further afield and not within South Road, which I have found has its own distinct character and appearance. In addition, I acknowledge the other example of a dormer window provided by the appellant for a site within Staddon Road, Appledore and the Council's views in that case, particularly with regard to its set back from the road. However, the other example is located some way from South Road and has a different local character and context. Indeed, I observed on my site visit that dormer windows on the front elevations of properties on Staddon Road are relatively common features, which cannot be said for South Road. For these reasons, I give little weight to the other example provided and it does not alter any of my above findings.
8. The appellant has set out that the Council does not have a 'Design Guide' or any other guidance on such matters. Whilst this is acknowledged, Policies DVT6 and DVT7 of the Torridge District Local Plan (2004) (the LP) seek to ensure that new development: maintains, restores or enhances the local vernacular and sense of place through appropriate design, having regard to the distinctive character of the surroundings; and is compatible with the context in which it is set. Given my above findings, I consider that the proposal by virtue of its siting and form would cause harm to the character and appearance of the host property and the area. The scheme therefore conflicts with Policies DVT6 and DVT7 of the LP. Further, I also consider that the proposal conflicts with Section 7 of the National Planning Policy Framework that seeks good design.

Other matters

9. I accept that the appeal site lies in a sustainable settlement where in 'principle' new residential development is acceptable. I also acknowledge that the host property is not listed, does not fall within a Conservation Area and that the proposal would not cause harm to the living conditions of the occupants of neighbouring properties. However, such matters alone or in combination do not in any way overcome or outweigh the identified harm.

Conclusion

10. For the reasons set out above and having regard to all other matters raised, there are no material considerations that outweigh the identified harm and the associated development plan conflict. Further, the appeal does not represent sustainable development as set out in the Framework. The appeal is therefore dismissed.

Jonathan Manning INSPECTOR