The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/K1128/D/16/3163477
16 Meadcombe Road, Thurlestone, Kingsbridge TQ7 3TB

- 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 Ian Gardner against the decision of South Hams District Council.
- The application, Ref. 2498/16/HHO, dated 3 August 2016, was refused by notice dated 27 October 2016.
- The development proposed is a first floor extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for adjoining occupiers at No. 18 Meadcombe Road in terms of outlook.

Reasons

3. The background to the proposal is a previous scheme (Ref. 55/2207/15/F) that was refused by the Council and dismissed on appeal. The present proposal is of a similar form with a gable end facing No. 18, but with the distance to the mutual boundary increased as a result of its reduction in width.

4. I saw on my visit that both Nos. 16 and 18 are part of a line of properties on the north side of Meadcombe Road and that most of their private amenity space is located to the front of the dwellings. The result of this is that the rear gardens are of a modest size, with this constraint on their amenity value accentuated by the rising level of the land.

5. Furthermore, as No. 18 is set back from No. 16 rather than positioned flank to flank, the outlook to the east from the former's rear garden is essentially one of the full depth of the appeal property's side elevation. At present the eye is also drawn in that outlook to the frosted glass privacy screen on the flat roof of No. 16, with a similar aspect, albeit at an angle, from a bedroom and kitchen window.

6. I note from the officer's report on the appeal application it is concluded that *'the existing impact of the frosted privacy screen and blank elevation of the application site ….. already creates a sense of enclosure to the neighbouring garden.'* I agree with that assessment and consider that, because the appeal

scheme would result in the full elevation of No. 16 being even closer to No. 18 than the current privacy screen, the outcome would be an even greater perception of being hemmed in.

7. Whilst the extension has been pulled further back from the boundary than its predecessor and a gap of over 5 metres between the flanks of Nos. 16 and 18 would remain, I do not find that the reference to an *'overbearing and dominant impact on the neighbouring property to the west'* in the Notice of Refusal is an over-statement of the effect of the proposed development on the outlook for the occupiers of No. 18. The Inspector in the previous appeal concluded that the then proposed extension would have a *'harmful, overbearing and domineering effect'* through the additional enclosure to the rear garden of No. 18, and I am not persuaded that the reduction in width in this case would make enough difference to negate that conclusion.

8. In some circumstances the distances between buildings and to boundaries in this case when applied to proposals on other sites may well be acceptable. However, Policy DP3: 'Residential Amenity' of the South Hams Development Policies DPD 2010 clearly states that unacceptable impacts on the living conditions for the occupiers of nearby properties will be *'judged against the level of amenity generally accepted within the locality and could result from: ….. b. overbearing and dominant impact'*.

9. Accordingly, whilst a similar development in a more urban or even a more tightly knit suburban area might have been acceptable, I consider that because of the spacious character and rural setting of the Mead Estate the level of amenity that might reasonably be expected by its residents is somewhat higher than in many other locations. This factor adds weight to the on-site individual circumstances already referred to above. Thus overall I conclude that the proposal would have an unacceptably harmful effect on the living conditions for adjoining occupiers at No. 18 Meadcombe Road in terms of outlook. This would conflict with both Policy DP3 and the core planning principles of the National Planning Policy Framework 2012.

10. The officer's report explains that the recommendation to approve the scheme was 'on balance' and by the same token so is my conclusion in this case. For example, I have taken account of the fact that the altered dwelling would have a more symmetrical appearance and that the removal of the balcony at the side of the property could improve the living conditions for the occupiers of No. 18 as regards privacy and noise and disturbance. I also agree with the remainder of the officer's report that the other factors cited by local residents would not have a sufficiently harmful effect to warrant a refusal of permission. Finally, the appellant followed the appropriate procedure by engaging in the 'Pre-Application' procedure and followed the officer's advice.

11. However, even when taken together, these matters do not in my view clearly outweigh the drawbacks of the scheme in terms of the main issue. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR