
Appeal Decision

Site visit made on 31 January 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 6 March 2017

Appeal Ref: APP/U1105/D/16/3161449

St John, Cotlands, Sidmouth EX10 8SP

- 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 & Mrs Joyce against the decision of East Devon District Council.
 - The application Ref 16/1194/FUL, dated 19 May 2016, was refused by notice dated 30 September 2016.
 - The development proposed is enlargement of existing front dormer, together with gable end build-up & side window and insertion of rooflights to the rear and side elevations.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring Hilldene with particular regard to privacy and outlook.

Reasons

4. The appeal property consists of a detached bungalow set on an elevated site. The Council's main concern, with what it recognises is otherwise a well-considered and modest extension, is the potential impact of the proposed window in the side elevation at first floor level on the privacy and outlook of the occupiers of neighbouring Hilldene.
 5. These concerns are well founded. Although there are small a number of windows on the ground floor that look out towards the rear of Hilldene, there is some limited screening in the form of existing vegetation and a boundary fence. However, the introduction of a large window to the first floor would result in direct views into these gardens from an elevated position. This would introduce an element of overlooking which would significantly erode even the
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limited privacy currently available to the occupiers of that dwelling. This would materially alter their enjoyment of that space and would be detrimental to their living conditions.

6. Furthermore, the existing property is set on higher ground to neighbouring Hildene. Although I note that the proposal would not result in an increase in the ridge height of the host dwelling, the introduction of a large, dormer style window in close proximity to the boundary would appear prominent when viewed from the rear garden of that property and would have an overbearing impact on the users of that space. This would be detrimental to the outlook currently enjoyed by occupiers of that dwelling and, when taken with the reduction in privacy levels, would be materially harmful to their living conditions.
7. While I note the appellant's attempts to reduce the impact by, for example, introducing built in blinds, increasing the window level to 750mm and redesigning the gable, I do not consider that these would sufficiently mitigate resultant harm identified above.
8. Consequently, I consider the proposal would be harmful to both the privacy and outlook of occupiers of Hildene. As such, it would be contrary to Policy D1 of the East Devon Local Plan 2013-2031¹ which, amongst other things, restricts proposals which adversely affect the amenity of occupiers of adjoining residential properties.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

¹ Adopted January 2016