
Appeal Decision

Site visit made on 18 April 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/Q1153/W/17/3168366

9 Station Road, Okehampton EX20 1DY.

- 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 Simon Tancock against the decision of West Devon Borough Council.
 - The application Ref 2676/16/FUL, dated 30 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as "development of redundant outbuildings to two 1 bedroom flats".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are:
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed flats, having particular regard to privacy, outlook and the provision of internal living space.
 - the effect of the proposal on the living conditions of neighbouring occupiers having particular regard to privacy.

Reasons

3. The appeal concerns a two storey building situated in a courtyard immediately to the rear of No 9 Station Road. It was empty at the time of my site visit and appeared to be in a rather poor state of repair. I understand that it currently has permission for use as a bin and cycle store associated with the previous subdivision of No 9 into two separate residential units. The frontage of the building directly faces the rear elevation of No 9.
4. Although the existing building has a reasonably large floor area split over two levels, its conversion into two separate residential units would result in the flats having relatively modest room sizes. The appellant has provided me with a list of planning permissions¹ that have been granted by the Council for flats with smaller areas than those proposed in this case. However, floor area alone is not necessarily an indicator of whether a development is able to provide

¹ Council Refs provided by the appellant include: 13401/2009, 11039/2007, 02203/2011, 02349/2012, 00848/2014, 01635/2011, 11347/2008, 0919/2013 and 01012/2015

- adequate living conditions. This depends on a number of factors, taking into account the individual circumstances of each site and proposal
5. As the building is surrounded on three sides within the courtyard, the proposed flats would only have windows in their west elevation. Future occupiers would be entirely dependent on these windows to achieve any outlook from inside their accommodation. However, views out of these windows would be dominated by the rear and side elevations of No 9 which would be in close proximity to the proposed flats. Consequently, future occupiers would not benefit from a particularly open outlook from inside the flats and would experience a certain degree of enclosure. This effect would be exacerbated by the relatively small room sizes being proposed.
 6. I am also mindful that the flats would not benefit from any private outdoor space or areas where a particularly open outlook could be achieved. Although the appellant indicates that the courtyard could be used as a communal area, this is a very confined space with a limited outlook. It seems to me that this only increases the importance for a sense of spaciousness to be maintained inside the proposed accommodation so that a good standard of amenity can be achieved. Given the circumstances of this site, I do not consider that the proposed subdivision of the building into two smaller units would enable this. The combined effect of modest room sizes and restricted outlook would lead to a sense of enclosure within the proposed dwellings.
 7. Some of the proposed windows would face directly towards opposing windows in the rear elevation of No 9 and the attached dwelling. Considering the limited separation distances, there is clearly potential for mutual overlooking to take place between the opposing properties. While the appellant intends to install one way glazing on the proposed ground floor bedroom windows, I agree with the Council that this could very well lead to a perception of overlooking. I note the residential development to the rear of Tenby House² where obscured glazing has been used to help maintain privacy. However, in the case of the appeal proposal, obscured glazing would further contribute to a sense of confinement from inside the proposed flats.
 8. The appellant suggests that occupiers could maintain adequate privacy through the use of blinds or curtains and I note this is the case in some of the other developments that I have been referred to. However, most of the examples that I have been provided with do not appear to be in such close proximity to opposing windows. Furthermore, the use of blinds and curtains would be a matter of choice for future occupiers rather than a requirement which could be easily controlled by the planning system. In my opinion, the proposed use of the building for two separate units of accommodation would intensify the potential for mutual overlooking between neighbouring occupiers.
 9. The appellant has provided details of a comparable residential development at No 7 Station Road³ (the neighbouring property) and I have considered the plans and photographs which have been provided, as well as observing some parts of that development during my visit. This involves the conversion of a similar outbuilding which is orientated to face the rear elevation of the host dwelling. I recognise that the floor area of the approved flat is smaller than the flats being proposed in the current appeal and that it has a similarly

² Council Ref: 13401/2009

³ Council Ref: 00848/2014 and 03279/2012

constrained outlook, with ground floor windows facing a communal access. There are, however, some notable differences insofar as it is only a single unit of accommodation, there are fewer windows and the main outlook at first floor level is orientated towards the access driveway. Besides, the decision of the Council to approve an individual proposal does not represent a precedent that should necessarily be followed if harm would result. For the reasons given above, my assessment of the appeal proposal leads me to conclude that it would lead to unacceptable living conditions.

10. Although the proposal would result in the loss of the approved bin and cycle storage area, the appellant indicates that alternative space could be provided. I also recognise that as the building is in a poor state of repair, the proposed development would help to improve the appearance of the site. However, this would not help to address the harm that I have identified.
11. I therefore conclude on this issue that the proposal would provide unacceptable living conditions for future occupiers of the proposed flats. It would also have an unacceptable effect on the living conditions of neighbouring occupiers. There would conflict with Policies H28 and H38 of the West Devon Borough Council Local Plan Review 2005 which both aim to provide a satisfactory standard of residential amenity. There would be further conflict with Strategic Policies 6 and 20 of the Local Development Framework Core Strategy Development Plan Document (2006-2026) which also aim to protect residential amenity and encourage good design. In reaching this decision I am mindful that one of the 'core principles' of the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

12. While the site is within Okehampton Conservation Area, I agree with the Council that the development would have little impact on the significance of any designated heritage assets. The character and appearance of the Conservation Area would be preserved.
13. I recognise that there is a demand for low cost housing in the locality and the development would help to address this by adding two small flats to the local housing supply on a previously developed site close to shops, services and public transport routes. Although these benefits should not be overlooked, they do not outweigh the harm that I have identified with regard to living conditions. Hence, when the proposal is considered against the policies of the Framework as a whole, it does not represent the sustainable development for which there is a presumption in favour.

Conclusion

14. For the above reasons and having regard to all other matters raised, the appeal should therefore be dismissed.

CD Cresswell

INSPECTOR