
Appeal Decision

Site visit made on 3 May 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 12th May 2017.

Appeal Ref: APP/U1105/D/17/3173248
62 Foxholes Hill, Exmouth, Devon, EX8 2DH

- 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 James Dibley against the decision of East Devon District Council.
 - The application Ref 16/2671/FUL, dated 7 November 2016, was refused by notice dated 14 March 2017.
 - The development proposed is rear ground floor extension and loft conversion.
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Decision

1. The appeal is **dismissed** insofar as it relates to the **loft conversion** at 62 Foxholes Hill, Exmouth, Devon, EX8 2DH.
2. The appeal is **allowed** insofar as it relates to the **rear ground floor extension** at 62 Foxholes Hill, Exmouth, Devon, EX8 2DH in accordance with the application Ref 16/2671/FUL, dated 7 November 2016, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 16/205/P01/B, entitled: *Plans and Elevations*, dated October 2016

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the adjacent countryside, which, together with the appeal site, is part of the East Devon Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal property is a detached bungalow within a residential estate of similar properties. It backs onto, and is clearly visible from, a public amenity area to the south-west, which is well used and enjoys stunning views out across the Exe estuary and the sea. A public footpath abuts the back garden of the appeal property.

5. The proposed rear extension would be sympathetic in its design, scale and external materials and it would therefore not have a harmful impact on the character and appearance of the existing bungalow or the AONB. As such it would not conflict with section 7 of *the Framework*¹, which requires good design which is appropriate in its context, or with section 11, which requires great weight to be given to conserving areas such as AONBs, which have the highest standards of protection in relation to landscape and scenic beauty.
6. Turning to the proposed rear dormer windows, the Appellant considers they would be in keeping with the appearance and proportions of the existing dwelling and generally subservient to it and therefore acceptable in their impact on the AONB. The amended plans which form part of the appeal proposal include fewer dormer windows – two as opposed to four windows in the earlier plans.
7. The proposed dormer windows would extend to the height of the ridge of the dwelling. They would not therefore appear subservient to the host property; rather, they would appear dominant and overbearing in relation to existing modest scale and simple form of the bungalow. This would not conserve or enhance the character and appearance of the AONB. Its adverse impact would be reinforced by its impact on views from the public footpath which runs immediately to the south-west of the prominently located appeal property. It would therefore be contrary to sections 7 and 11 of *the Framework* and Local Plan Strategy 46, which requires development to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic character of East Devon, in particular in AONBs.
8. Neither of the next door bungalows has a rear dormer, and the eye is not drawn to their pitched roofs when walking on the footpath adjacent to the appeal site. I observed, however, that there is one dormer extending across part of the roof of no. 58, to the north-west of the appeal site, and this is referred to me by the Appellant in support of the proposal. I do not have the details of its approval, or any of the others cited by the Appellant, which he considers have a greater detrimental impact on the AONB than his proposal.
9. In particular, I am not sure whether they were approved prior to the new Local Plan which was adopted in January 2016. Strategy 46 of this Plan establishes strict design requirements for all development which would affect the character and appearance of AONBs, in accordance with the requirements of *the Framework*. It is against these strict policy tests that I am required to judge the appeal proposal.
10. Returning to the dormer window at no. 58, its impact on the AONB is partially mitigated by the fact that it is set back further than the appeal site, and partly by the existing vegetation. However, even if the schemes referred to by the Appellant were harmful in their impact on the character and appearance of the AONB, this would not justify allowing further harmful impacts on the AONB. On the basis of the above considerations, I conclude that the proposed rear dormer windows would harm the character and appearance of the AONB, contrary to *the Framework* and the development plan.

¹ DSLG: National Planning Policy Framework (*the Framework*); March 2012.

11. I have imposed the two standard conditions which were suggested by the Council in relation to the proposed rear ground floor extension. I have also included condition (2) in order to safeguard the character and appearance of the area.
12. For the reasons given above and having regard to all other matters, I conclude that the appeal should be dismissed insofar as it relates to the proposed loft conversion and allowed insofar as it relates to the proposed rear ground floor extension.

Mike Fox

INSPECTOR