



Appeal Decision

Site visit made on 11 July 2017

by David Walker MA MRTPI

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

Decision date: 22nd August 2017

Appeal Ref: APP/U1105/W/17/3171531
28 Holland Road, Exmouth, Devon EX8 4BA

- 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 No 10 Developments Ltd against the decision of East Devon District Council.
 - The application Ref 16/2631/FUL, dated 27 October 2016, was refused by notice dated 9 February 2017.
 - The development proposed is demolition of existing double garage and construction of two storey extension to form separate dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the living conditions of the occupants of neighbouring properties, and future occupants of the proposed dwelling, in relation to scale and proximity and having regard to the availability of privacy and outlook.

Reasons

3. The proposal would extend sideways off the existing dwelling and replace a detached double garage, occupying much of its footprint. In this position the new dwelling would be set further away from No 26 than the closest part of the existing dwelling. It would nonetheless remain close to the common boundary.
4. While the new dwelling would be no closer than the existing garage it would rise to a full two storeys with a ridged roof. The additional built form would significantly close off the limited outlook available sideways from the garden of No 26. I acknowledge there is a historical loss of outlook to a degree from the position of the appeal property and its two-storey side extension; however, this is a pre-existing condition of the site that would be worsened through the proposal.
5. The overbearing effect would be increased by the relative change in levels and the much lower garden in comparison at No 26. My attention has been brought to the arrangement of properties nearby at Caroline Close, but I do not find this to be identical to the situation at the appeal site and have determined the appeal on its merits.

6. Some existing inter-visibility between opposing windows and gardens of the appeal property and No 26 is not fully mitigated by a modest close boarded fence along the boundary. This leads to the potential for some mutual overlooking of the respective occupants. However, with the additional 1.4 m set back of the proposed kitchen window and with narrow windows in the upper floor serving only a hallway there would unlikely be any harmful additional overlooking.
7. The small rear garden that would be provided to serve the proposed dwelling already forms part of the garden to No 28. Its domestic use is unrestricted at present and there is nothing to indicate that its use in connection with the proposal would add significantly to the levels of overlooking as to lead to a harmful loss of privacy.
8. However, while I acknowledge the lack of objections from neighbours and local councillors the additional scale and close proximity of the side extension would lead to a loss of outlook that would be harmful to the living conditions of the occupants of No 26. As a result there would be a conflict with paragraph 17 of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. The proposal would also conflict with Policy D1 of the East Devon Local Plan 2016 that requires the scale, massing, density and height of new development relates well to its context and does not adversely affect the amenity of occupiers of adjoining residential properties, amongst other matters.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR