
Appeal Decision

Site visit made on 25 June 2018

by M Bale BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2018

Appeal Ref: APP/X1118/W/18/3197627

James Sherlock Motorcycles, 3 Horsepond Meadow, South Molton, Devon EX36 4EJ

- 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 J Sherlock against the decision of North Devon Council.
 - The application Ref 63813, dated 22 September 2017, was refused by notice dated 31 January 2018.
 - The development proposed is the raising of roof to existing industrial unit to form office.
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Decision

1. The appeal is allowed and planning permission is granted for the raising of roof to existing industrial unit to form office at James Sherlock Motorcycles, 3 Horsepond Meadow, South Molton, Devon EX36 4EJ in accordance with the terms of the application, Ref 63813, dated 22 September 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S397 17 01; S397 17 02; S397 17 04; S397 17 05; S397 17 07; and S397 17 10 D.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/other openings shall be constructed in the rear west elevation of the extended part of the building.

Application for costs

2. An application for costs was made by Mr J Sherlock against North Devon Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of numbers 14-18 Churchill Crescent, with particular regard to outlook.

Reasons

4. The site is on an industrial estate that is located immediately behind residential properties. The boundary between the residential properties and industrial buildings is relatively open including elements of low planting and metal

fencing. There are some tall trees, but these do little to obscure views between the dwellings and the site.

5. The existing industrial building like a number of others nearby has a low profile and the proposed extension would make it significantly larger when viewed from Nos. 14-18. Given its width and height, which would be greater than the recently constructed building at the same site, the proposal would result in a fairly bulky range of buildings with a stark, industrial appearance.
6. The gardens of Nos. 14-18 are spacious and open as a result of their length and the low boundaries between the properties. Whilst the increased height and bulk of the industrial building would reduce the openness towards the site to some degree, the area is otherwise sufficiently open to avoid the proposal having an overbearing effect on the general outlook within the garden.
7. The proposal would be visible from inside the properties and, like the previous development would result in a change to the outlook and skyline. However, whilst the building that would be extended is not far from the residential boundary, the length of the gardens means that the overall separation distance between the back of the dwellings and the proposal is large. Due to this and the remaining openness of the area, a harmful overbearing effect on the outlook from within the dwellings would not arise.
8. I note that the Council and appellant agree that the proposal would not give rise to a harmful loss of light or overshadowing of neighbouring properties. Based on the evidence before me, I have no reason to disagree. No additional windows are proposed facing towards Nos. 14-18 and, therefore, the privacy of these residents would be maintained.
9. With regard to the above, I conclude that the proposal would not harm the living conditions of Nos. 14-18 or any other dwellings that are further away and as such, the proposal would not conflict with Saved Policy DVS3 of the North Devon Local Plan 1995-2011 (LP) which, in part, seeks to prevent development that would harm the living conditions of neighbouring residents. It would, therefore, secure a good standard of amenity for existing occupants of the adjoining properties and accord with the policies of the National Planning Policy Framework (the Framework). Based upon the summaries of emerging policy DM01 of the North Devon and Torridge Local Plan, provided within the appeal statements, the policy appears to broadly follow the same principles as Policy DVS3 and so does not lead me away from my findings on this issue.

Other matters

10. Whilst the floor space available to the business would increase such that there would be more space available for carrying out noisy activities within the premises, there is no substantive evidence before me relating to the existing noise generation or that there would be a significant change in activity at the site. For this reason and as this proposal does not seek to change the use of the building, I attach limited weight to this matter. I also attach limited weight to any noise and inconvenience arising from construction as it is likely to be short term.
11. Whilst the need for the extension has been challenged by some local residents, there is no substantive evidence that it is not needed. Similarly, I note that

the business has previously expanded in recent years, however this does not prevent further expansion where harm to other interests would not arise.

12. I note concerns that the proposal may affect property values of the neighbouring dwellings. Planning Practice Guidance indicates that planning is concerned with land use in the public interest, so I attribute this matter very limited weight. Any future proposals to extend other nearby industrial units would have to be considered on their own merits at the relevant time.
13. The Council suggested an alternative development proposal to the appellant whilst considering the application in order to overcome their concerns. Nevertheless, I have found the appeal scheme to be acceptable on its merits.

Conditions

14. A condition is required to prevent additional windows being formed in the rear elevation to protect the privacy of the neighbouring dwellings and a plans condition is required in the interests of certainty. I have listed the existing and proposed plans for the avoidance of doubt, and have made revisions to the conditions suggested by the Council in the interests of clarity and to ensure compliance with the Framework.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR