



Appeal Decision

Site visit made on 18 July 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/Q1153/W/19/3226726

69B Exeter Road, Okehampton, Devon EX20 1QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs Carol Quelch against the decision of West Devon Borough Council.
 - The application Ref 0448/19/PIP, dated 7 February 2019, was refused by notice dated 20 March 2019.
 - The development proposed is the building of one 2 bed chalet bungalow to the rear of 69B Exeter Road, Okehampton EX20 1QF.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The scope of 'permission in principle' is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.
3. Since the application was determined, the Council has adopted the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan). The reason for refusal references a policy of the then emerging Local Plan. The appellant has had the opportunity to make comments on the policies of the now adopted Local Plan during the process of the appeal. I am therefore satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the now adopted Local Plan.

Main Issue

4. The main issue is whether the location, use and amount of development proposed is acceptable, having particular regard to the impact on the living conditions of occupiers of the adjoining properties.

Reasons

5. The area is predominantly residential in character and falls within the settlement of Okehampton. The site is located to the rear of 69B Exeter Road, itself a reasonably new 2 storey dwelling built to the rear of 71 Exeter Road. Broadly to the west lies 69A Exeter Road. This is a dwelling built quite close to the side boundary of the appeal site and has first floor windows angled across a corner section of the site, although within the site there are some views

towards these first floor windows. To the north, the two bungalows of 20 and 22 Baldwin Drive are located on a lower level and with reasonably short gardens backing onto the site.

6. The requirements of a permission in principle application is that the proposal should set out the minimum and maximum number of dwellings proposed. In this case the minimum (and maximum) is specified on the application form as one unit and the description of the development proposes a chalet bungalow. A chalet bungalow would incorporate accommodation in the roof space and necessitate, in all likelihood, a window or windows to light this area.
7. I noted at my site visit the boundary planting that to some extent screens 69A Exeter Road and 20 and 22 Baldwin Drive from the site. Nevertheless, there is still some intervisibility between adjoining properties and the site. I am not satisfied that this boundary planting would be sustained in the future given the reasonably close position of the vegetation to some windows of the neighbouring properties and the impact that it has on the living conditions of these residents. Furthermore, the north facing elevation of 69B Exeter Road, with windows at both ground and first floor, is open to immediate views from the site.
8. Consequently, there are properties on three sides in proximity to the site. The proposed dwelling, which would in all likelihood have rooms in the roof space, would be likely to have a window or windows that would face towards at least one or more of the adjoining properties. Given the location of the surrounding dwellings, it is probable that windows in the first floor of the new dwelling would cause overlooking, or the perception of overlooking, to at least one or more of the windows and/or garden areas of the adjoining properties. With the close relationship between the site and adjoining properties, this overlooking would harm the living conditions of occupiers of these neighbouring properties to an unacceptable extent. I am not satisfied that this could be addressed at the technical detailed consent stage and I have no detailed or comprehensive information to demonstrate to me otherwise. I therefore find that the concern with privacy, referenced in the decision notice, is well founded.
9. It may be, because of the extent of the site, that it would be possible to design a dwelling of a suitable size and bulk that would not be overbearing or would cause an undue loss of daylight or sunlight in respect of the adjoining properties at the technical details consent stage. This would very much depend on the details at that stage. However, this does not alter my view in respect of the likely overlooking that would result, for the reasons explained above.
10. In coming to these conclusions, I have had regard to the other dwellings that have been constructed or are permitted within these rear sections of land. However, they do not have the same relationship with adjoining properties, in particular in this case Nos 69A and 69B, and therefore it has been necessary to assess the proposal based on the individual circumstances of the site. I have also carefully considered the annotated photographs submitted with the appeal and the intention to fence the boundaries and additional planting that may be possible. However, I am not satisfied that these matters would address the concern I have outlined above.
11. For the above reasons, I conclude that the location, use and amount of development proposed would harm the living conditions of adjoining properties to an unacceptable extent for the reasons explained above. As a consequence,

the scheme would not comply with Policy DEV1 of the Local Plan which seeks, amongst other things, to ensure that development provides for satisfactory privacy for both new and existing residents.

Other Matters

12. The Council explain that with the adoption of the Local Plan they can now demonstrate a National Planning Policy Framework (the Framework) compliant supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in paragraph 11 of the Framework is not engaged. I have found no reason to disagree.
13. The scheme would deliver a small addition to housing supply in a location with reasonably good access to local services and facilities. There would be social and economic benefits during construction, and in subsequent occupation. However, as a single dwelling is proposed, I attribute the cumulative benefits of the scheme limited weight and these benefits do not outweigh the harm which would result to the living conditions of residents of adjoining properties.

Conclusion

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

David Wyborn

INSPECTOR