
Appeal Decisions

Site visit made on 19 August 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal A Ref: APP/Y1110/D/19/3229705

Plot 1, 10 Honey Lane, Exeter EX1 3TB

- 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 Sheldon against the decision of Exeter City Council.
 - The application Ref 19/00420/FUL, dated 20 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is minor alterations to existing fenestration, removal of 2 rooflights and installation of 8 rooflights.
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Appeal B Ref: APP/Y1110/D/19/3229706

Plot 2, 10 Honey Lane, Exeter EX1 3TB

- 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 Sheldon against the decision of Exeter City Council.
 - The application Ref 19/00419/FUL, dated 20 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is minor alterations to existing fenestration and installation of 8 rooflights.
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Appeal C Ref: APP/Y1110/D/19/3229707

Plot 3, 10 Honey Lane, Exeter EX1 3TB

- 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 Sheldon against the decision of Exeter City Council.
 - The application Ref 19/00418/FUL, dated 20 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is the installation of 5 rooflights and amendments to window fenestration.
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Decisions

Appeal A Ref: APP/Y1110/D/19/3229705

1. The appeal is dismissed

Appeal B Ref: APP/Y1110/D/19/3229706

2. The appeal is dismissed.

Appeal C Ref: APP/Y1110/D/19/3229707

3. The appeal is dismissed.

Procedural Matters

4. As set out above there are three appeals, one relating to each individual dwelling on this site, differing in the detail of the design of the proposed amendments to each respective dwelling. I have considered each proposal on its individual merits, although given that there are common main issues, and to avoid duplication, I have dealt with the three appeals together, except where otherwise indicated.
5. The Council indicate that the appeals are part retrospective given that a number of rooflights have been installed to all of the dwellings. However, as part of my site visit I was able to observe that a number of the rooflights installed did not correspond in terms of their location or size with those shown on the proposed drawings. Clarification was sought from the parties in this regard and pursuant to this I have progressed the appeals on the basis of the plans submitted at planning application stage.
6. The address within the banner heading differs from that shown on the planning application form. In the interests of precision, I have added reference to the proposals being at 10 Honey Lane as per the Council's decision notice and the appellant's appeal form.

Main Issues

7. The main issues to be considered in all three appeals are the effect of the proposed development on (i) the living conditions of future occupiers of the appeal dwellings and neighbouring dwellings with respect to outlook and privacy; and (ii) the character and appearance of the area.

Reasons

Living conditions - outlook

8. The proposed rooflights would serve additional accommodation at first floor level with a number of openings indicated as being high level, obscure glazed and/or fixed shut to prevent loss of privacy of occupiers of neighbouring dwellings. The appeal sites are situated within an established residential area to the rear of dwellings fronting onto Honey Lane, Langaton Lane and Sunnymoor Close.
9. The proposed window arrangement in each of the dwellings may afford a degree of light to the habitable first-floor space but would nonetheless offer future occupiers of the dwellings with very limited outlook from these areas. Therefore, these areas would be oppressive and unwelcoming spaces, given that the windows would be obscure glazed, fixed shut and at a high level to mitigate negative privacy impacts upon the occupiers of neighbouring dwellings. As such, I consider that the development proposed under appeals A, B & C would not be conducive to a good standard of living accommodation for future occupiers of the dwellings.
10. I conclude that whilst the proposed first floor accommodation in each of the dwellings would receive an adequate amount of natural light, the outlook provided would be particularly poor. Therefore, none of the appeal proposals

would provide for a suitable standard of living conditions for future occupiers at odds with the amenity aims of Policy DG4 of the adopted Exeter Local Plan First Review 2005 (LP).

Living conditions - privacy

11. In respect of appeals A, B & C the Council assert that the proposed rooflights would lead to loss of privacy for the occupiers of neighbouring residential properties.
12. With regard to appeal A, the Council's reason for refusal indicates that the proposed rooflights would unacceptably impact upon living conditions of occupiers of 9 & 11 Honey Lane and 15 Langaton Lane, although the body of their report makes reference to the impact upon Nos 11 and 13 Honey Lane. Given the separation of this dwelling (Plot 1) from 9 Honey Lane and 15 Langaton Lane and the proposed pattern of fenestration, I consider that the appeal proposals would not cause unacceptable harm to the occupiers of neighbouring properties by virtue of loss of privacy. The submitted plans do not indicate that the opening serving the study would be obscure glazed or fixed shut, whilst details of floor levels and the relative height of the window have not been shown on the proposed plans. Nevertheless, given the angle of view towards the rear of neighbouring properties on Honey Lane and degree of separation between properties, even in the absence of obscure glazing and details of floor levels, I find on the evidence before me that the introduction of this opening within plot 1 would not result an unacceptable loss of privacy for occupiers of Nos 11 & 13.
13. In relation to Appeal B, the Council identify harm from the proposed rooflight serving the study area within the north elevation of the dwelling (Plot 2) and assert a loss of privacy for the occupiers of 9 and 11 Honey Lane. This opening would be approximately 15 metres from the rear elevations of Nos 9 and 11 which include habitable rooms and would be close to the boundary with their gardens. As with the submitted plans for Plot 1, there is no indication that the opening serving the study would be obscure glazed or fixed shut, whilst details of floor levels and the relative height of the window as shown on the proposed plans have not been provided. In the absence of such details, I find on the evidence before me that given the position as shown on the submitted plans and proximity of this opening to the rear of Nos 9 and 11 Honey Lane, the appeal development would result in a significant loss of privacy for occupiers of these properties.
14. With reference to Appeal B, the Council suggest that there would be harm from the two lower level rooflights proposed within the south elevation fronting onto the rear of 15 Langaton Lane. These rooflights are indicated as being non-openable with obscured glass and approximately 5 metres from the boundary with 15 Langaton Lane. This neighbouring property benefits from a substantial rear garden. Noting the separation between these openings and windows serving 15 Langaton Lane, I consider that subject to these windows being fixed shut and obscure glazed, this development would not have an adverse impact upon privacy of occupiers of this property.
15. In relation to Appeal C (Plot 3), the Council indicate that harm would be caused with regard to overlooking from the rooflights fronting onto plot 2. The plans indicate that these openings would be obscure glazed and fixed shut. Subject

to this, it is considered that the proposal would not result in an unacceptable loss of privacy enjoyed by future occupiers of plot 2.

16. For the reasons outlined above, I conclude that in respect of the rooflight serving the study as per Appeal B, it would fail to ensure acceptable living conditions for the occupiers of Nos 9 and 11 Honey Lane taking into account privacy. This would be contrary to the amenity aims of policy DG4 of the LP, the Householder Extensions Supplementary Planning Document (SPD) 2008, Residential Design SPD 2010 and paragraph 127(f) of the National Planning Policy Framework (the Framework).

Character and appearance

17. The appeal proposals seek a number of alterations to the fenestration including to ground floor openings and installation of a number of additional rooflights. The appeal sites are accessed from Honey Lane although owing to their position to the rear of established dwellings are largely obscured from the street-scene itself.
18. No objections have been raised by the Council or other parties with regard to the alterations to ground floor fenestration. I have no reason to disagree with the Council's views about these matters. From my site observations, I note that the roof slopes of a number of existing dwellings within the street-scene of Honey Lane and beyond have been altered including through the insertion of rooflights and PV panels. Therefore, I do not find that the addition of rooflights would in themselves be uncharacteristic features in the local area or that they would cause harm to the overall design of each of the dwellings.
19. For the above reasons, I therefore conclude that the development proposed under Appeals A, B or C, would not cause harm to the character and appearance of the dwellings or to the area, and would therefore accord with the design requirements of policy DG1 of the LP, objective 9 of the Exeter Local Development Framework Core Strategy 2012 and chapter 12 of the Framework.

Conclusions

Appeal A Ref: APP/Y1110/D/19/3229705

20. Whilst the development would be acceptable in terms of its effect of the character and appearance of the area and to the levels of privacy afforded to the occupiers of the neighbouring dwellings, the occupiers of the appeal dwelling would not be afforded an acceptable level of outlook. This is a matter of overriding concern and I therefore conclude that when the appeal is considered as a whole it should be dismissed.

Appeal B Ref: APP/Y1110/D/19/3229706

21. Whilst the development would be acceptable in terms of its effect of the character and appearance of the area, the occupiers of the appeal dwelling would not be afforded an acceptable level of outlook and significant harm would be caused to the occupiers of neighbouring properties in terms of loss of privacy. These are matters of overriding concern and I therefore conclude that when the appeal is considered as a whole it should be dismissed.

Appeal C Ref: APP/Y1110/D/19/3229707

22. Whilst the development would be acceptable in terms of its effect of the character and appearance of the area and to the levels of privacy afforded to the occupiers of the neighbouring dwellings, the occupiers of the appeal dwelling would not be afforded an acceptable level of outlook. This is a matter of overriding concern and I therefore conclude that when the appeal is considered as a whole it should be dismissed.

Robert Lankshear

INSPECTOR