
Appeal Decision

Site visit made on 9 September 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/Y1110/D/19/3230494

1 Shapter Cottages, White Street, Topsham EX3 0AD

- 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 Sam Moreton against the decision of Exeter City Council.
 - The application Ref 19/0128/FUL, dated 25 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is a single storey extension with glazed link.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Sam Moreton against Exeter City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the:
 - i) Impact on the living conditions of the occupiers of the adjoining properties with particular regard to privacy, outlook and disturbance from light spill.
 - ii) Impact on the character and appearance of the host dwelling and whether the proposal would preserve or enhance the character or appearance of the Topsham Conservation Area.

Reasons

Living conditions

4. The appeal property has previously been extended by a single-storey extension to the south which provides an additional room with a window that looks over the host property's garden. This has a higher floor level compared to the original dwelling. It is proposed to extend from the existing addition, across the southern part of the site, continuing this raised floor level and wrapping around to adjoin the converted outbuilding.
5. Consequently, the proposal would face the adjoining garden of 2 Shapter Cottages from an elevated position. This part of the proposal has been illustrated as being for use as a habitable kitchen and dining space, an entrance hall and a bedroom. Given the intended function it is likely that

residents would spend a reasonable proportion of their time within the proposed kitchen and dining area. The separation distance to the boundary would be short and currently there is no hard boundary treatment between the gardens. The extension would have a single aspect with floor to ceiling glazing and glazed doors which would directly face on to the garden to the front of the neighbouring property at close proximity. In my view that would result in a significant loss of privacy that would be acutely felt by the residents of the neighbouring dwelling given the currently private and concealed nature of the space. I recognise that gardens within an urban context will often be overlooked to some degree but the position and design of the windows in this case is such that they would face directly onto the neighbouring garden as opposed to being set at an angle as is commonly the case.

6. Whilst there is existing soft landscaping this cannot be considered a permanent feature and does not entirely prevent overlooking. Furthermore, due to the levels a standard boundary fence or wall would not provide the same level of privacy from single storey development as would ordinarily be the case. Whilst it is noted that the appellant has offered to provide boundary fencing and reduce the finished levels of the development, this is not on the plans before me. Nor is it clear if the proposed fencing would require planning permission of itself. Consequently, I have determined the appeal on the basis of the information on which the Council assessed the proposal, and on which interested parties have been able to make their representations. I am not satisfied that it would be appropriate to attach a condition to seek to secure additional boundary treatments by condition because, in the absence of any detailed plans or proposals, I could not be certain of the impact on the character and appearance of the Conservation Area, or the effectiveness of any proposed fencing in mitigating the harm I have identified. Moreover, to take that course of action would deprive interested parties of the opportunity to comment. Therefore, for the reasons given, the proposal before me would cause loss of privacy to the garden of 2 Shapter Cottages.
7. Furthermore, I have considered the potential for loss of privacy to the habitable accommodation of 2 Shapter Cottages. The proposal would cause no direct overlooking, but there would be some potential for oblique inter-visibility between the two properties. However, unlike the overlooking into the neighbouring garden which is at a direct angle, I find that oblique overlooking would be at such an angle as to not cause demonstrable harm.
8. I have noted the staggered boundary line between the properties, which means that the neighbour has an outlook directly over the appeal property's garden and converted outbuilding. However, due to the siting of the proposal to the south of the site, its form and the separation distances the proposal would not harm the outlook of those occupying 2 Shapter Cottages or its garden.
9. The proposal has a contemporary form and design, in part, generated by the use of two glazed links and sections of floor to roof glazing on the north elevation. When these areas of the proposal are in use after daylight hours the design generates potential for disturbance through light spill. However, given the location of the glazed links, and that one serves a bedroom, the potential impact would be limited. Furthermore, the light spill from the fenestration on the north elevation would likely be little greater than traditionally proportioned glazing patterns, which I consider would cause no significant disturbance.

10. Finally, having regard to privacy, outlook and disturbance from light spill, due to the intervening built form, separation distances and single-storey design of the proposal there would be no harm to the living conditions of the occupiers of other neighbours, including the adjoining 30 White Street and 'Reynolds'.
11. I have considered the proposal in the context of the council's Supplementary Planning Document – "Householder's Guide to Extension Design" dated September 2008 (SPD). Whilst I note that it is adopted guidance and afford it some weight, I consider that the advice is of limited application to this case.
12. On the first main issue, for the reasons set out above I therefore find that the proposal would have a harmful impact on the living conditions of the occupiers of 2 Shapter Cottages with particular regard to loss of privacy to their outside amenity space. As such the proposal would fail to accord with Policy DG4 of the Exeter Local Plan First Review adopted March 2005 (LP) which amongst other aims seeks to ensure residents feel at ease with their homes and gardens. In this regard, I also find conflict with the design objectives of the National Planning Policy Framework (the Framework). The proposal is also considered to have some limited conflict with the overarching objectives of the SPD. However, I do not find that the proposal would cause any loss of privacy to any other occupiers of neighbouring property, nor do I find that the proposal would cause any harm to the living conditions of occupiers of any residential property having regard to outlook and disturbance from light spill.

Character and appearance

13. The appeal site is located within the Topsham Conservation Area (CA), forming a part of the medieval core, where on the south side of White Street housing is varied with groups running at right angles to the road. The appeal property is an end of terrace, period dwelling consistent with this. The Topsham Conservation Area Appraisal and Management Plan from June 2009 sets out that Holman Way is the line of a former railway and that the steep banks and lattice metal footbridges still characterise its origins as the cuttings.
14. From Holman Way the appeal site can be seen in an elevated position against the dense urban grain of housing on the south side of White Street. To the rear of 30 White Street the boundary is a high, rendered wall and the proposal would provide a continuation of this. The mono-pitched roof form would be glimpsed from some vantage points including the footpath that runs up to the lattice metal footbridge over Holman Way. However, it would be seen in the context of similar forms, designs and materials within the CA.
15. From White Street the high and continuous boundary wall to 4 Shapter Cottages means that the proposal would not be seen from public vantage points here, except for very limited glimpses through the pedestrian access.
16. Moreover, I find that the design, albeit contemporary, is sympathetic to the host building and context of the CA. It would extend from a previous addition to the host building. Furthermore, by utilising the glazed links and mono-pitched roof form, the design allows the host building, its extensions and outbuildings to be clearly expressed. The evolution of the site would be quite obvious. Additionally, the form of the building would be low profile to echo the outbuildings that positively contribute to the character and appearance and significance of the CA at this point. It would continue the dense grain of development that characterises the area. Furthermore, the occasional use of

matching materials to compliment the good quality contemporary palette would help the proposals to assimilate with the host building and context.

17. On the second main issue, for the reasons set out above I therefore find that the proposal would cause no harm to the character and appearance of the host dwelling. Furthermore, I find that the proposal would preserve the character and appearance of the CA. As such the proposal would accord with Policy CP17 of the Exeter City Council Core Strategy adopted February 2012 and Policies C1 and DG1(b, g, h and i) of the LP which amongst other aims seek high quality design to protect local distinctiveness and the CA. For the site-specific reasons set out above, the proposal is considered to comply with the overarching design objectives of the SPD and I also find no conflict with the design and heritage objectives of the Framework.

Other Matters

18. Finally, I note that the appellant sets out that the dwelling does not provide suitable accommodation for those with accessibility issues or young children. However, I do not find that the proposals would entirely address the issues raised. Moreover, in this instance I consider these to be personal circumstances upon which I place limited weight. I am mindful of the advice contained in Planning Practice Guidance (ref: Paragraph: 008 Reference ID: 21b-008-20140306) that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the LP, SPD and the Framework.

Conclusion

19. For the reasons given above, whilst I find no harm to the character and appearance of the host building or CA, I consider that harm would occur to the living conditions of occupiers of 2 Shapter Cottages. The harm is not outweighed by other material considerations. Therefore, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR