
Appeal Decision

Site visit made on 8 October 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/U1105/D/19/3229268

6 Briar Close, Exmouth, Devon EX8 2NL

- 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 Graham Bassett against the decision of East Devon District Council.
 - The application Ref 19/0419/FUL, dated 21 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is the construction of dormer windows to front and rear to enable loft conversion; construction of car port enclosure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the living conditions of nearby residents, with particular reference to privacy and outlook; and,
 - The effect of the proposed development on the character and appearance of the area and the host building.

Reasons

Living Conditions

4. The appeal site lies in a predominately residential area within Exmouth. The site comprises a detached bungalow which is located at the end of a cul-de-sac containing a number of detached bungalows and two storey dwellings. To the southeast of the appeal site is located the neighbouring bungalow at 4 Briar Close which is set back further from the building line as exhibited by the dwelling at the appeal site.
5. The proposal would introduce two sets of dormer windows to the southeast facing roof slope of the bungalow. The set of dormer windows which would be positioned closest to the parking area between the appeal property and 7 Briar

- Close, would look out over the driveway and external amenity area to the front of the neighbouring bungalow at 4 Briar Close, with the second dormer window which would be furthest from the same parking area being positioned facing the side elevation of the neighbouring property.
6. From observations made on my site visit and from details shown on the location plan submitted with the planning application, the proposed dormer windows on the southeast slope of the roof at the appeal building would be in very close proximity to the northwest elevation of the neighbouring bungalow at 4 Briar Close.
 7. In my view, by reason of the spread and height of the proposed dormer windows on this slope of the roof at the appeal property in combination with the proximity of the proposed development to the neighbouring dwelling, the development would have an oppressive and overbearing impact on the living conditions of occupants of 4 Briar Close. Furthermore, by reason of the potential for overlooking at close proximity, I conclude that the development would be harmful to the living conditions of occupants at the neighbouring property with regards to loss of privacy.
 8. Whilst I acknowledge that 2 Briar Close has incorporated a similar design of dormer windows in the southeast facing slope of the roof, the separation distance between those dormers and the rear elevation of the adjacent dwelling at 117 Salterton Road is significantly greater than the separation distance between the dwelling at the appeal site and its immediate neighbour at 4 Briar Close. Consequently, the degree of overlooking and loss of privacy experienced in those circumstances would not be comparable to those of the appeal proposal.
 9. It has been put to me by the appellant that the current occupiers of 4 Briar Close have no objections to the proposed insertion of dormer windows in the southeast facing slope of the roof. However, I have not been provided with any evidence beyond a general assertion which confirms that the proposed development would be acceptable to the current neighbour. In any event, whilst it may be shown that the current owners of the neighbouring property have no objections to the proposal, this carries little weight in the determination of this appeal as the particular circumstances of occupants of that property will change over time, whereas the development would be permanent.
 10. It has been further put to me that the proposed development could be achieved by positioning the relevant dormer windows on the northwest slope of the roof under the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). It is maintained by the appellant that this would be undesirable as the dormer windows would look out over the adjacent rear gardens of several dwellings which are located on Drakes Avenue and would be detrimental to the living conditions of residents of those dwellings.
 11. However, the evidence before me does not provide any details of how the proposal would satisfy the criteria that is applied to such works under Class B, and without any application which provides such details to a sufficient degree, there would be no certainty that the works would be permitted under the GPDO. This significantly limits the weight that I can attach to this as a fallback position.

12. In light of the above, and the significant weight which I attach to the harm to living conditions of nearby residents, the proposal would conflict with Policy D1 of the East Devon Local Plan (2016) (the Local Plan) which, amongst other things, requires that development does not adversely affect the amenity of occupiers of adjoining residential properties.

Character and Appearance

13. There are a variety of detached residential dwellings, including two storey dwellings and bungalows, located within Briar Close. Many of these dwellings appear to have been extended or altered in a variety of ways, with changes to the roof forms and the introduction of dormers. As a result, there is considerable variety to the roof forms in the immediate vicinity of the site.
14. The appeal site is located in a prominent position at the end of the cul-de-sac and would incorporate a set of dormer windows which would extend across a majority of the south eastern facing slope of the roof. However, the overall height of the roof would not increase above the roofline of the existing dwelling and, consequently, it would remain largely consistent with the height of its immediate neighbour at 4 Briar Close. Moreover, given that roof dormers are features of a number of dwellings within Briar Close, the appeal proposal would be seen in this context and its own flat roof design would not therefore appear visually incongruous within the surrounding residential area.
15. Furthermore, I consider that the proposed roof changes would be well proportioned in relation to the scale and proportions of the dwelling at the appeal site. The roof would not, in my view, appear unbalanced and I consider that the roof changes would integrate appropriately with the existing form of the dwelling. The dormers would appear as subordinate additions to both roof slopes and I am therefore satisfied that the proposal would respect the character and appearance of the existing building.
16. The proposed changes to the roof form of the appeal property would reflect features which are already found on dwellings within the immediate vicinity of the appeal site. As I have concluded that the proposed development would respect the character and appearance of the property, I am also satisfied that it would not be harmful to the street scene.
17. For the above reasons, the proposal would not conflict with Policy DE1 of the Local Plan which, amongst other things, requires that development respects key characteristics and special qualities of the surrounding area and does not adversely affect the urban form or street patterns.

Other Matters

18. Whilst I acknowledge and understand the wishes of the appellant to provide additional space at this dwelling for his partner and her children, such personal circumstances seldom outweigh general planning considerations, given that circumstances may change over time whereas the development and the associated harm would be permanent. As such, I have attributed limited weight to these personal circumstances in determining this appeal and have concluded that such circumstances would not outweigh the significant harm resulting from the proposal in terms of impact on the living conditions of nearby residents at 4 Briar Close.

Conclusions

19. In summary of the above, I give significant weight to the harm to the living conditions of nearby residents with regards to outlook and loss of privacy, which would result from the proposal. The fact I have concluded that the appeal scheme would not result in harm to the street scene, character and appearance of the surrounding area, does not outweigh the harm identified above in relation to the impact of the proposal on living conditions.
20. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR