



Appeal Decision

Site visit made on 20 December 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/N1160/D/19/3231986

1 Brean Down Road, Plymouth PL3 5PU

- 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 Mrs P Barker against the decision of Plymouth City Council.
 - The application Ref 19/00741/FUL, dated 7 May 2019, was refused by notice dated 14 June 2019.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of Burleigh Cottage, with particular regard to overlooking.

Reasons

Character and appearance

3. 1 Brean Down Road is a semi-detached chalet bungalow and, with the attached property (No 3), the combined building incorporates a reasonably sizeable joint front, flat roofed dormer. The side roof of No 1 is visible, above the garden wall of Burleigh Cottage, from public areas around the junction with Burleigh Lane. From these positions the front dormer can be seen in combination with the side, flat roofed dormer to No 1. These dormers are prominent parts of the roof form and have an appreciable influence over the appearance of the property within the street scene.
4. At the rear of both properties there is also a reasonably large flat roofed dormer. My attention has been drawn to a Certificate¹ application which has confirmed that an extension to a section of the rear dormer, incorporating a rear window to the bedroom and a small addition wrapping around the side of the building, is permitted development. This would provide improved headroom and outlook to the existing bedroom in this corner of the dwelling. The proposal would also involve the removal of the side facing rooflight.
5. The proposed scheme would be larger than the extension agreed as permitted development. The side wall would be extended up off a section of the ground

¹ 19/00982/PRDE - Extension to rear dormer - 1 Brean Down Road Plymouth PL3 5PU - 27 August 2019

floor side wall and would create an incongruous box like form at first floor level. The extension would lead to a loss of a section of the sloping roof and would not turn the corner of the building in a sympathetic way. Furthermore, the angular and protruding form of this addition, in combination with the other flat roofed dormers, would create a discordant and bulky roof that would overwhelm the reasonably modest proportions of the building.

6. The appeal extension would be visible above the garden wall of Burleigh Cottage from public vantage points and harm the character and appearance of the building, and thereby would detract from the wider street scene and area. The permitted development scheme is a fallback position but the appeal proposal would be bulkier and more harmful to the character and appearance of the building. In this respect, I attach the permitted development scheme limited weight.
7. The harmful appearance of the extension would not meet with the National Planning Policy Framework (the Framework) requirement that development should be visually attractive as a result of good architecture and add to the overall quality of an area.
8. I have limited information on other verified permitted development schemes that may allow other possible additions to this property and therefore attribute these matters limited weight. I have also taken into account the appellant's photographs and comments on the prominence of the proposal from public vantage points and this is an issue which I have examined above.
9. Accordingly, I conclude that the proposal would harm the character and appearance of the dwelling, and thereby harm the character and appearance of the area. Consequently, the proposal would conflict with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) (the Local Plan), the approach set out in the Development Guidelines Supplementary Planning Document First Review (2013) and the Framework which seek, amongst other things, for development proposals to meet good standards of design.

Living conditions

10. There are oblique views from the existing rear dormer bedroom window of No 1 towards the front of Burleigh Cottage. The proposed extension to the dormer would incorporate a rear facing window that would allow more direct views down towards the ground floor windows of the kitchen area of Burleigh Cottage and the reasonably private seating area immediately by the frontage of the Cottage. This would create an increased level of overlooking compared to the present situation, even taking into account the side rooflight which would be removed as part of the scheme.
11. However, the position of the window in the proposed rear extension would be the same as that shown on the permitted development plans. As I consider that there is a reasonable prospect that the permitted development scheme would be implemented, if the appeal proposal was to be dismissed, this is a fallback position that affords, in relation to the impact on the living conditions of the occupants of the neighbouring property, significant weight.
12. It is such that, in all likelihood, a scheme would be implemented that had the same window position to the first floor bedroom and, therefore, the same

impact on the living conditions on the occupiers of Burleigh Cottage, as the present proposal. In these circumstances, notwithstanding the concerns with the appeal proposal in terms of overlooking, it would not lead to additional harm compared to a proposal that could already be lawfully constructed.

13. In the light of this analysis, I conclude that the proposal would not lead to additional overlooking to the occupiers of Burleigh Cottage compared to the permitted development scheme. Consequently, the present proposal would not conflict with Policy DEV1 of the Local Plan and the Framework, in this respect.

Conclusion

14. While I have found that the proposal would not lead to additional overlooking to the occupiers of Burleigh Cottage, having regard to the permitted development scheme, this is neutral in the overall analysis. I have also found that the scheme would harm the character and appearance of the area and thereby would not comply with the development plan when considered as a whole and the Framework. These are matters of significant weight and there are no other considerations, including the improvements to the accommodation, which outweigh this harm. Taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR