

Appeal Decision

Site visit made on 10 February 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/X1118/W/19/3241063

Peregrins, Ashleigh Road, Barnstaple EX32 8BS

- 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 & Mrs Parker against the decision of North Devon District Council.
 - The application Ref 66603, dated 5 April 2019, was refused by notice dated 8 July 2019.
 - The development proposed is to replace a garage with a small one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted with an amended plan which merely corrected the labelling of the existing elevations. As this has no effect on the nature of the proposals before me, I have taken this updated plan into consideration.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers at No 18 Sunset Heights, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a domestic garage set behind a driveway accessed from Ashleigh Road. It presents a gable end to the street with brick walls and an up-an-over metal door and adjoins a similar garage which has a flat roof behind a parapet wall. Block built boundary walls sit either side of the parking space, the higher wall being on the southern side which defines the end of the garden belonging to No 18 Sunset Heights.
5. The area has a mixed character with bungalows, dormer bungalows and two storey traditional dwellings all appearing within the immediate vicinity of the site. The appeal garage and its adjoining counterpart are unobtrusive features within the street scene given that they are both single storey with similar proportions and both have a functional design and appearance.
6. The appeal proposal would result in a two storey building with a roof higher than the existing garage. There would be a front door and windows in the front elevation. Internally there would be two levels of accommodation to provide a single bedroom dwelling.

7. Due to the restricted size of the plot, its relationship with the adjoining single storey garage and nature of the proposed works, including steeply pitched, angular roof, the proposal would result in a cramped and contrived form of development. The resultant dwelling would appear particularly narrow and upright, in contrast to the dwellings of more traditional proportions in the surrounding area. Overall, the proposal would introduce a discordant feature within the streetscene.
8. From the undisputed evidence of the Council, the total floorspace of the dwelling would be approximately 49sqm. The Department for Communities and Local Government's 'Technical housing standards'¹, which form a material consideration in this case, suggest that for a single bedroom dwelling over two floors the minimum floorspace should be 58sqm.
9. Evidently, the proposal would have particularly modest internal proportions which would fall short of the required minimum floorspace when assessed in the context of the Technical housing standards. In addition to this, the proposal would have an outlook from only the front elevation, over the parking space and street beyond with a constrained outlook from the upper floor rooflights. The parking space, bin storage area and space between the frontage and Ashleigh Road would form the limited available external area to serve the dwelling. These are additional shortcomings of the proposal that indicate that it is not compatible with the character of the surrounding area which generally provides for dwellings of ample size in well proportioned plots.
10. I note that the appeal proposal is intended to provide accommodation of similar proportions to a flat. I also note that the appellant has referred to a number of such flatted schemes which have no or limited external amenity areas, although limited details have been provided in relation thereto². Notwithstanding that there is a need for a variety of dwelling types and that not all residents will require a private garden space, these factors do not outweigh the need to ensure that the proposal contributes positively to local distinctiveness.
11. In view of this main issue, the proposal would harm the character and appearance of the area, contrary to North Devon and Torridge Local Plan (2018) (NDTLP) Policy DM04. Amongst other things, this Policy seeks to ensure that developments are appropriate and sympathetic in terms of scale, density, massing, height, layout, appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Living conditions of neighbouring occupiers

12. I was invited to view the relationship between the appeal site and No 18 Sunset Heights as part of my site visit and note that the current occupier thereof has written in support of the appeal proposal. I saw that the upper parts of the side elevation and roof of the garage appear above the southern boundary wall of No 18 Sunset Heights. The living room window and two bedroom windows (both on the ground and first floors) of No 18 look over the garden and towards the boundary wall and appeal site.

¹ Department for Communities and Local Government: Technical housing standards – nationally described space standard (March 2015)

² Refs 21901, 32724, 39716 and 59040

13. The appeal proposal would result in the increase in height of the eaves by approximately 0.7 metres and ridge by approximately 2.3 metres. There would also be two rooflights in the plane of the roof which would be visible from the windows and garden of No 18 but which would be high enough above the internal floor level, along with the potential for obscure glazing to be used to avoid any potential overlooking. Given the nature of the existing relationship and the size of the garden of No 18, the current situation is acceptable. Given the relatively modest overall height of the proposal and that the roof plane would be angled away from the shared boundary, I do not consider that the appeal proposal would result in the neighbouring occupiers' outlook being unduly affected or result in them experiencing any harmful sense of enclosure.
14. In view of this main issue, there would not be any undue harm to the living conditions of neighbouring occupiers, with particular regard to outlook or sense of enclosure. The proposal would therefore accord with NDTLP Policy DM01, which seeks to support development that would not significantly harm the amenities of any neighbouring occupiers.

Planning balance and conclusion

15. Whilst the proposal would result in economic benefits both during the construction phase and occupation, given the scale of the proposal, these would be relatively modest. These benefits, along with the absence of harm to the living conditions of neighbouring occupiers, do not outweigh the identified harm to the character and appearance of the area.
16. Accordingly, the proposal conflicts with the Development Plan and no other considerations of sufficient materiality have been put forward to outweigh this conflict.
17. For the reasons outlined above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR