



Appeal Decision

Site visit made on 10 March 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/W1145/D/19/3239729

Little Meadows, Road from The Square to Battledown Cross, Shebbear, EX21 5SG

- 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 Linda Chapman against the decision of Torridge District Council.
 - The application Ref 1/0503/2019/FUL, dated 19 May 2019, was refused by notice dated 5 August 2019.
 - The development proposed is a rear two storey extension and front porch and new car port and new driveway to front.
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Decision

1. The appeal is allowed and planning permission is granted for a rear two storey extension and front porch and new car port and new driveway to front at Little Meadows, Road from The Square to Battledown Cross, Shebbear, EX21 5SG in accordance with the terms of the application, Ref 1/0503/2019/FUL, dated 19 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EMA/2019/0031/0001; EMA/2019/0031/0002; EMA/2019/0031/0003; EMA/2019/0031/0004; EMA/2019/0031/0005; EMA/2019/0031/0006; EMA/2019/0031/0007; EMA/2019/0031/0008; EMA/2019/0031/0009; EMA/2019/0031/0010; EMA/2019/0031/0011; EMA/2019/0031/0012; EMA/2019/0031/0013; EMA/2019/0031/0014.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mrs Linda Chapman against Torridge District Council. This application is the subject of a separate Decision.

Procedural matters

3. The description of the development on the application form indicates that some elements of the proposal may be permitted development. Whether or not that is the case, I have considered the entirety of the proposal before me, as

detailed on the plans. Accordingly, I have omitted the words 'permitted development' from the description in my heading and formal decision.

4. The Council's second reason for refusal refers to neighbouring properties at 'Summer Heights'. However, these are described in the officer's report as 'Sunset Heights', which accords with the submitted location plan and signage on the ground.

Main Issues

5. The main issues are the effect on the character and appearance of the area and the effect on the living conditions of adjoining properties with regard to outlook and privacy.

Reasons

Character and appearance

6. The immediately surrounding area has a varied character with a mix of building styles. There are a large number of modest single-storey dwellings similar to the appeal building, but the adjoining Arden House and a cluster of dwellings at Sunset Heights are two-storey.
7. The site slopes away from the road such that there is a significant 'under build' at the rear, where the internal floor is raised up from the garden level. The proposal would utilise the change in level to provide a two-storey extension without exceeding the overall height of the existing dwelling. Thus, I find that the proposal does not ignore the gradient of the land, but rather provides an extension that is appropriate and sympathetic to its setting and context in terms of scale, height, relationship to the host building and its surroundings.
8. The two-storey rear extension would be large and would result in a significant increase in floorspace. I note that the Parish Council consider that the proposal would be a little too large for the site. However, the dwelling would still present a single storey front elevation to the street. Whilst there may be some views of the rear extension from the road, the presence of surrounding buildings means that it would not be particularly prominent or dominate the overall appearance of the area. There would, therefore, be no demonstrable harm to the street scene, or overall character and appearance of the area.
9. Accordingly, with regard to the above, I find that there would be no conflict with the 14 design principles outlined in Policy DM04 of the North Devon and Torridge Local Plan 2011-2031 (LP), LP Policy 25 relating to residential extensions, or those parts of the National Planning Policy Framework that seek to secure good design.

Living conditions

10. Arden House sits broadly alongside the existing dwelling on a similar orientation. No.1 Sunset Heights is located to the other side, aligned at an approximate right angle, such that its garden is alongside the site's side boundary and its rear windows face across the garden. No.2 Sunset Heights sits beyond No.1, facing towards the rear elevation of Little Meadows, but the dwelling and its garden are off-set from the appeal site, to the side of Little Meadows' garden.

11. The proposed two-storey extension would protrude significantly to the rear. It would be clearly visible from the rear windows of No.1 and the upper floor windows of No.2. However, given the generally open nature of the existing rear garden environment, which also borders open countryside, it would not harm the outlook from these properties nor those of Arden House.
12. The proposed Juliet balcony in the gable end would introduce windows at a higher level to those in the existing dwelling. However, the design of the balcony would mean that the occupiers of Little Meadows would be stood within the building when looking out of that window. Accordingly, whilst the ground level may increase the ability to look down onto neighbouring land, the relative position of windows and garden spaces in the adjoining properties means that a significant loss of privacy would not result from the proposal.
13. I, therefore, find that there would be no harm to the living conditions of neighbouring residents. Accordingly, there would be no conflict with those aspects of LP Policies DM01 and DM25 that seek to prevent significant adverse impacts on the amenity of the occupants of neighbouring properties.

Conclusion

14. With regard to the above, I conclude that the appeal should be allowed. A plans condition is required in the interests of certainty and a condition requiring external materials to match the existing, as proposed on the application form, is necessary to protect the character and appearance of the area.

M Bale

INSPECTOR