



Appeal Decision

Site visit made on 5 June 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/U1105/D/20/3247489

62-64 New Street, Exmouth, Devon EX8 1RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Mann against the decision of East Devon District Council.
 - The application Ref 19/1571/FUL, dated 17 July 2019, was refused by notice dated 11 February 2020.
 - The development proposed is described on the application form as a 'first floor rear extension and rear dormer extension to existing dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and rear dormer extension to the existing dwelling at 62-64 New Street, Exmouth, Devon EX8 1RT in accordance with the terms of the application Ref 19/1571/FUL, dated 17 July 2019, subject to the conditions below.

Preliminary matters

Planning history

2. The application form states that works related to the development proposed at Nos 62-64 ('the property') were started on 19 June 2019. Judging by the representations before me works went on for some duration, with the property having been shrouded in scaffolding and sheeting for part of that time. However scaffolding was absent at the time of my site visit, during which it appeared, externally at least, that recent building works to the property were substantively complete.
3. It may have been that building works were commenced with the intention of implementing the scheme permitted by the Council via notice dated 17 July 2018.¹ I understand the current proposal has been advanced with the aim of securing appropriate internal head height with reference to the relevant provisions of the Building Regulations 2010 as amended, albeit there are no detailed calculations before me in that regard.² The 2018 permission followed an unsuccessful application for different alterations to the property in 2016.³

¹ Planning permission Ref 18/0845/FUL, the relevant proposed plan in that instance being No 1440/002A.

² With guidance currently in Approved Document K (published 3 January 2013).

³ Ref 16/1436/FUL, the relevant proposed plan in that instance being No 1440/002.

4. The proposal before me, as shown on plan '7981-01 rev. D' (simply 'the plan'), is therefore the latest of three proposed extensions to the property. In that context I have some sympathy with those who have expressed confusion regarding the complex process by which development proposed at the property has come forward.
5. Nevertheless, the present scale and form of Nos 62-64 broadly aligns with the proposal shown on the plan. However certain details shown on the plan do not match those at the property. Notably existing windows and rooflights within the western and southern elevations and roof slopes do not align with those illustrated. There are also inset doors within the southern elevation which are not shown on the plan.
6. I also saw that there is a rear-facing window within the northern elevation which is not shown on the plan for retention (albeit that window is shown on plan 1440/002A related to planning permission Ref 18/0845/FUL). Within the rear-facing elevation of the first floor element of the extension closest to No 60 New Street there are also two window apertures which have evidently been blocked up, as referenced in section 2.4 c. of the appellant's statement of case.
7. In that context my decision relates to the appropriateness of the scheme proposed via plan 7981-01 rev. D. That is, after all, the development proposed. The 2018 scheme and current proposal both seek to achieve a similar objective, namely the provision of additional useable floorspace. In that context there is no indication that, irrespective of the outcome of this appeal, the 2018 scheme would not be implemented. As such my assessment focusses on the relative difference between the 2018 scheme and current proposal.

The nature of the property and proposal

8. At the time of both the 2016 and 2018 applications referenced above, Nos 62-64 were described by the Council as originally two dwellings with storage/garaging below. It appears, judging by the fabric of the building's southern elevation, that garaging or some non-residential use has been present here for considerable time, noting that Nos 55 and 57 New Street and buildings further towards Imperial Road are ostensibly commercial (as non-residential uses increase around the town centre). Nos 62-64 are also referred to in respect of application Ref 19/1571/FUL in the singular. I have therefore approached the appeal on that basis, i.e. that no change to the number of dwellings or uses at Nos 62-64 is proposed.⁴
9. During the Council's determination of application Ref 19/1571/FUL, a revised scheme was advanced (as shown on plan Ref 7981-01 rev. D referenced above). Chiefly those revisions relate to a half-hipped as opposed to gabled northern elevation, and a reduction in the size of a dormer compared to that originally proposed. Those alterations are modest, and the Council has both considered and consulted upon them.

⁴ Notwithstanding that plan 7981-02 rev. D is entitled 'proposed change of use at 62-64 New Street', the description of development in the application form does relate to that type of development.

Planning context

10. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan includes policies of the East Devon Local Plan (adopted 28 January 2016, the 'LP') and of the Exmouth Neighbourhood Plan (supported at referendum on 21 March 2019, the 'NP').
11. In summary, and amongst other things, LP policy D1 and NP policy EB2 set out how development should integrate appropriately with its surrounding context. LP policy D1 makes specific reference to respecting the amenity of the occupants of neighbouring properties, and NP policy EB2 to ensuring a high level of design. Similarly paragraph 127 of the National Planning Policy Framework ('NPPF'), a material consideration, sets out how all development should function well within an area, and that a high standard of amenity should be ensured.

Main issue

12. Against the background above, the main issue is the effect of the development proposed on the living conditions of the occupants of Nos 55, 57 and 59 New North Road.

Reasons

13. No 64 is a modest end of terrace building attached to No 62 at the fringes of the town centre. No 64 abuts a footpath alongside Marine Way (A376), a short distance beyond which is Exmouth railway station. Properties along New Street, and also New North Road running parallel to it, tend similarly to be humble late Victorian or Edwardian terraced dwellings regularly arranged around a rectilinear street pattern. I saw that relatively few properties in this particular location have been altered by way of substantial rear extensions or dormers.
14. I am told that, at their closest, the rearmost elevations of Nos 62-64 and No 55 New North Road are some 8.5 metres apart. Residential density is therefore relatively high. As is evident from along the service lane running between the plots of properties along New Street and New North Road, there is a notable sense of enclosure here. That results not only from the proximity of dwellings to one another, but also as plots tend to be enclosed by substantial boundary features, and as the footpath alongside Marine Way is at a higher level.
15. In that context the development proposed would be something of a departure from the generally consistent character of nearby dwellings. The current scheme is not an insignificant addition to the scale of the property. Increasing the height of what the Council aptly describe as a 'two storey projection' to the rear of the property by some 800mm compared to the 2018 scheme will, inevitably, result in greater visual prominence.
16. When viewed from the rear of Nos 55, 57 and 59 New North Road, the scheme would be readily apparent. Even modest changes to the built environment may have a significant perceptive effect, and in my experience the two are not directly correlated. Whilst I am mindful that there comes a point where incremental smaller changes amount in aggregate to unacceptable

development, in my view that would not be the case in this particular instance as reasoned below.

17. Firstly, in many respects the scale of the current proposal reflects that of the approved 2018 scheme. The highest original ridgeline of the property would be maintained. The rear-facing dormer now proposed would be comparable to that permitted via planning permission Ref 18/0845/FUL. No element of the proposal would come any closer to the rear of properties along New North Road than that which has already secured permission.
18. The Council's decision notice related to the current scheme does not refer to loss of privacy. Nevertheless in that regard the appellant explains how the proposal would have 'approximately the same glazed area as that previously approved'.⁵ Moreover, the rear-facing window at the property, shown to be retained as part of the 2018 scheme referenced above, is now proposed to be removed.
19. As New Street is to the south of New North Road, the additional height to the rear addition proposed may, at certain times of the day and year, limit the amount of natural light reaching the plots of neighbouring properties. However the effect of an 800m projection in respect of a half-hipped and otherwise dual-pitched element of the property is likely to have very little effect.
20. As reasoned above, the property sits in an area which is already characterised by a relatively high level of residential density and a sense of enclosure (and therefore commensurately qualified levels of privacy and natural light). Moreover, there is some variety in buildings at the end of terraces here; No 59 New North Road, it seems, has been created or altered at some point to take account of the off-set angle of the footpath alongside Marine Way, and Nos 55 and 57 across New Street appear in commercial use and are more substantial. As such some variety in the built form is present, and alongside baseline living conditions, is the natural corollary of living in a connected central location.
21. For the above reasons, whilst the proposal would result in some degree of change, set against the existing nature of the area and alterations to the property permitted in 2018, the development proposed would not in my view result in undue effects to the living conditions of the occupants of Nos 55, 57 and 59 New North Road. No conflict therefore arises with the relevant provisions of LP policy D1, NP policy EB2 or of NPPF paragraph 127 set out above.

Other matters

22. I have taken careful account of the representations of those nearby, including in respect of the accuracy of the plans and information supporting the application, and of the potential for the development to intensify pressures for parking or to presage other development in time. Whilst I accept that there are occasional errors in the information before me,⁶ they are not critical to understanding the scheme, nor of such significance so as to undermine assessing compliance with plan 7981-01 rev. D.

⁵ Appellant statement of case, paragraph 3.3.

⁶ Including as referenced in footnote 3 above, and notably that three side elevations are noted on plan 7981-02 rev. D.

23. I have reasoned above that the proposal does not seek to alter the number of dwellings here, albeit to provide more useable floorspace. As such, although I appreciate there is likely a premium on on-street parking in this area on account of the level of density and its central location, I am not of the view that unacceptable effects would result in that regard. That is notwithstanding that access to the residential element of Nos 62-64 is proposed via the service lane running in part between Nos 57 and 55 New North Road. As set out above, each proposal must be determined on its merits, and any other relevant development would therefore require separate assessment.⁷ As such no other matters alter my conclusion regarding the overall acceptability of the development proposed, as reasoned above.

Conclusion

24. For the foregoing reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

25. In addition to securing commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plan, requiring that external cladding is installed in a timely manner, and preventing the creation of additional windows or openings. Those are necessary so that the proposal is implemented as assessed above, integrates suitably with local character and appearance, and in order that potential adverse effects to the privacy of the occupants of neighbouring properties do not arise (in line with relevant provisions of LP policy D1, NP policy EB2 and NPPF paragraph 127).⁸ In imposing conditions I have had regard to the tests in NPPF paragraph 55, the approach in the Planning Practice Guidance, and to relevant statutory provisions. Accordingly I have modified the wording of certain conditions proposed without altering their aims.

Thomas Bristow
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan 7981-01 rev. D.
- 3) Within three months of the date of this decision, or prior to occupation of the development hereby permitted, whichever is the sooner, the timber cladding illustrated on the approved plan shall have been installed (and shall thereafter be retained).

⁷ Section 55(3) of the Town and Country Planning Act 1990 as amended specifies that, for the avoidance of doubt, the use as two or more separate dwellings houses of any building previously used as a single dwellinghouse involves a material change of use.

⁸ Noting the broad provisions of section 70(1) of the Town and Country Planning Act 1990 as amended, and with regard to Planning Practice Guidance Reference ID: 21a-017-20190723.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other order amending, or revoking and re-enacting that order with or without modifications) or otherwise no windows, doors, rooflights or openings other than as shown on the approved plan shall be formed in the north (rear) elevations or roof of Nos 62-64 New Street.