
Appeal Decision

Site visit made on 27 May 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/C1625/D/20/3245795

11 St Leonards Close, Upton St Leonards GL4 8AL

- 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 David Owen against the decision of Stroud District Council.
 - The application Ref S.19/2003/HHOLD, dated 18 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is described as 'loft conversion, provision of new dormer windows. Provision of new flat roof to lean to and internal alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for dormer windows to front and rear and new flat roof to lean to at 11 St Leonards Close, Upton St Leonards GL4 8AL in accordance with the terms of the application, Ref S.19/2003/HHOLD, dated 18 September 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: survey drawing plan No T1290.01A, Proposed Drawing No. T1290.02C and email detailing materials dated 5 November 2019.

Procedural Matters

2. In the interests of precision and accuracy, the description in the decision above is taken from the decision notice and appeal form as this more accurately describes the development.
3. The LPA requested that I viewed the site from the neighbouring property of 44A Six Acres. However, there was no answer from the occupiers of the neighbouring dwelling at the time of my visit and it was not possible to view the development from this aspect. Nevertheless, I am satisfied I was able to fully assess the development from within the appeal site and can progress on this basis.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) living conditions of occupiers of the neighbouring dwelling of 10 St Leonards Close with respect to privacy.

Reasons

Character and appearance

5. The appeal site falls within a predominantly residential area, at the end of a residential cul-de-sac. The existing dwelling at the site comprises of a single storey bungalow with a pitched roof, with immediately neighbouring bungalows being of a similar form. There is however, variety within the immediate street including two storey dwellings, with some including dormer style windows to the front. Furthermore, properties of different styles within neighbouring roads including Six Acres are clearly visible within the street scene. My attention has also been drawn to a number of examples within the wider area of varied architectural design including dormer style windows including those within front elevations. As such although the property shares a common vernacular with immediately neighbouring properties at the end of the cul-de-sac, variety in built form is clearly evident.
6. Whilst the appeal development would introduce a new feature to the host dwelling and within the immediate street scene through the addition of pitched roof dormers to the front elevation, given the lack of overarching architectural style and form of dwellings evident within the Close, I consider that they would not appear intrusive in such a varied context. As such whilst noting their height within the roofslope, I do not find that the introduction of development of this form would be overly prominent or incongruous in this location or would cause unacceptable detriment to the character of the host dwelling. Indeed, it would suitably add to the existing variety of properties within the street scene.
7. For the above reasons, I conclude that the proposed front dormers would not harm the character and appearance of the host property or area. As such it would accord with the provisions of Policy HC8 of the Stroud District Local Plan 2015 (LP) which seeks amongst other things to ensure that the form and design of extensions are in keeping with the scale and character of the original dwelling and the site's wider setting and location. It would also accord with the guidance contained within the National Planning Policy Framework including that within Chapter 12.

Living conditions

8. The Council raise concern with regard to the introduction of the largest dormer window to the front elevation and the potential loss of privacy for occupiers of 10 St Leonards Close particularly within the side garden.
9. Owing to the existing fenestration details of neighbouring properties, it is suggested that the existing garden benefits from a significant degree of privacy. The front dormer would result in a degree of loss of privacy from the large side garden area. On the basis of the evidence before me, there is nothing to suggest that the appellants contention that the area of garden serving No 10 immediately adjacent to the appeal property is not utilised as the most intimate area, is incorrect. To this end I acknowledge that No 10 also benefits from a large garden area to the rear of the property itself and the largest dormer window, identified within the reason for refusal, would be a significant distance from the rear garden and side elevation of the dwelling itself.

10. To my mind, a degree of incidental overlooking of garden areas is expected within an urban residential context such as this. Given the size of the garden serving No 10 and the relative position of the dormer to the neighbouring dwelling and with much of the garden, I consider that the proposal would not result in an unacceptable loss of privacy.
11. For the reasons outlined above, I conclude that in terms of privacy, that the development would not lead to any significant impact upon living conditions of occupiers of 10 St Leonards Close that would be so great as to justify refusal of planning permission. The appeal proposal therefore accords with the living conditions aims of Policy ES3 of the LP, including criterion 1 that seeks to amongst other things, ensure that development will not result in unacceptable loss of privacy.

Other Matters

12. I acknowledge concerns raised within representations received with the planning application with regard to potential impact upon 44A Six Acres from the largest front facing dormer. However, owing to the degree of separation and oblique angle of view between the proposed window and those within the front elevation of the neighbouring property, I consider the development would not result in an unacceptable loss of privacy for the occupiers of 44A Six Acres.
13. I also note comments from a 3rd party with regard to a previous refusal of permission for similar development at their property. However, limited details have been provided of any such application and in any event I have considered the appeal proposal on its individual merits.
14. Alterations proposed under this appeal also include a rear facing dormer and alterations to the roof of the lean to extension, to which the Council have raised no objection in terms of character and appearance or living conditions. Having considered these matters, I have no reason to form a different view in these regards.
15. I do not find the other matters raised alter or outweigh my findings on the main issues.

Conditions

16. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans and details of materials submitted, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

Conclusion

17. For the above reasons, and having considered all other matters raised, the appeal is allowed.

Robert Lankshear

INSPECTOR