
Appeal Decision

Site visit made on 29 September 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/F9498/D/20/3246061

2 Perry Cottages, Dulverton, Somerset TA22 9LN

- 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 Philip Lunt against the decision of Exmoor National Park Authority.
 - The application Ref 6/9/20/102, dated 3 December 2019, was refused by notice dated 11 June 2020.
 - The development proposed is the first floor extension over existing living room to provide third bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for the first floor extension over existing living room to provide third bedroom at 2 Perry Cottages, Dulverton, Somerset TA22 9LN, in accordance with the terms of the application Ref: 6/9/20/102, dated 3 December 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building.

Reasons

3. The appeal building is a semi-detached dwelling which is set back from the highway in an elevated position and located within the Exmoor National Park. The evidence before me indicates that both the appeal building, and its paired neighbour, have been altered to provide extensions to the original buildings. By reason of their elevated position above the level of the highway, the appeal building, and its neighbour, are prominent and highly visible from within the surrounding area.
4. The appeal scheme concerns the incorporation of a first floor extension on the principle elevation of the appeal building. The proposed extension would be constructed atop of an existing extension which protrudes from the front elevation of the appeal building. The existing extension to the appeal building, in combination with alterations and extensions to the neighbouring dwelling, has resulted in a pair of semi-detached dwellings which are not balanced in terms of their scale and bulk and which are not symmetrical in appearance.
5. Policy HC-D15 of the Exmoor National Park Local Plan 2011-2031 (the Local Plan) concerns residential extensions, and provides, amongst other things, that

extensions to dwellings must not be disproportionate to the scale of the original building and must not increase the external floorspace of the original building by more than thirty five percent.

6. Whilst there is dispute between the main parties as to the amount to which the external floorspace at the appeal building would be increased by the proposed extension, it is apparent from the figures and measurements provided by both the Council and the Appellant that the increase in external floorspace would not be significantly above or below the thirty five percent limit as detailed within Policy HC-D15 of the Local Plan.
7. In this regard, even in the event that the increase in external floorspace was to the degree as specified by the Council, the overall increase would only be very marginally greater than that limit provided under Policy HC-D15 and, in my view, the overall increase in area would be so limited as to not be perceptible to those visiting or living in the surrounding area.
8. The proposed extension would make use of materials which would match and compliment the appearance of the existing building. Whilst the appeal scheme would increase the overall volume and massing of the building, the proposal would appear as a subservient addition that would not dominate or overpower the character or appearance of the host dwelling. Furthermore, whilst the proposal would not result in a pair of identical semi-detached dwellings, it is apparent that the neighbouring dwelling has previously been significantly extended and altered to such a degree that the pair of semi-detached properties is already unbalanced in terms of their scale and appearance. In this respect, by reason of its design, position and massing I consider that the proposal would not compete with or further unbalance the character or appearance of the pair of semi-detached dwellings.
9. For the above reasons, the appeal scheme would not conflict with Policy HC-D15 of the Local Plan. The proposal would further comply with Policies CE-S6 and CE-D4 of the Local Plan which requires that extensions compliment the form, character and setting of the original building and that the extension is appropriate in terms of scale and massing and makes use of materials that are sympathetic to the original building.

Conditions

10. The Exmoor National Park Authority has, within the appeal questionnaire, suggested standard conditions relating to the timescale of implementation, matching materials and the requirement to carry out the development in accordance with the approved plans. These conditions are either statutory in nature or reasonable and necessary in the interests of certainty and I will impose all those suggested with the standard wording.
11. I have also considered the further conditions as suggested by the National Park Authority. A condition is suggested in respect of obtaining a European Protected Species Licence. As this is dealt with under separate legislation, this is not necessary. However, as the presence of bats has been confirmed, it is necessary to ensure the reinstatement of access points and that the amount and positioning of external lighting does not disturb or prevent bats using the site. As such, conditions are required in these respects. Furthermore, in the interests of wildlife conservation and biodiversity enhancement, it is reasonable to include conditions regarding the provision of bird, bee and bat boxes.

Conclusions

12. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: 6.9.20.102.1 Location Plan, 6.9.20.102.2 Block Plan, 6.9.20.102.3 Existing East Elevation, 6.9.20.102.4 Proposed East Elevation, 6.9.20.102.5 Existing South and North Elevations, 6.9.20.102.6 Proposed South and North Elevations, 6.9.20.102.7 Existing Ground Floor Plan, 6.9.20.102.8 Proposed Ground Floor Plan, 6.9.20.102.9 Existing First Floor Plan, 6.9.20.102.10 Proposed First Floor Plan, 6.9.20.102.11 Existing Roof Plan and 6.9.20.102.12 Proposed Roof Plan received by the Local Planning Authority on 8 February 2020.
- 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
- 4) Prior to the first use of the development hereby approved a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.
- 5) Prior to the first use of the development hereby approved, 2 no. Schwegler No. 1FF, or a suitable alternative, shall be installed externally on a tree or building adjacent to the site, at a minimum height of 4 metres, and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority, and Kent and Habitat 001 bat boxes, or a suitable alternative, shall be installed internally in the roof space, as per the recommendation from Section 5 of the Ecological Impact Assessment by Colmer Ecology 2019, and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to the first use of the development hereby approved, loft space for bats, and the reinstatement of access points of bats, as per Section 5 of the Ecological Impact Assessment by Colmer Ecology 2019 shall be installed. Any area of the roof that is accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats.
- 7) No development within 10 metres of the northern elevation of the south-eastern extension, and any vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless an ecologist has checked the building, and any ivy, shrubs and tall ruderal vegetation to be cleared for active birds' nests, before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

- 8) Prior to the first use of the development hereby approved, 1 traditional and 1 open front bird nesting boxes shall be installed externally onto a tree, 1 hedgehog house within the garden beneath a section of mature shrubs, and 1 bee box in the garden on a south facing wall or hedgerow, shall be installed, unless otherwise agreed in writing by the Local Planning Authority, and be retained hereafter.