



Appeal Decision

Site visit made on 27 July 2021

by C Cresswell MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 August 2021

Appeal Ref: APP/Y1138/D/20/3264221

**3 Bridge Cottages, Road from Yeo Vale Cross to Bridge Cottages, Lapford
EX17 6QS**

- 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 Ms Hazel Morgan against the decision of Mid Devon District Council.
 - The application Ref 20/01155/HOUSE, dated 14 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is garden room.
-

Decision

1. The appeal is allowed and planning permission is granted for a garden room at 3 Bridge Cottages, Road from Yeo Vale Cross to Bridge Cottages, Lapford EX17 6QS in accordance with the terms of the application, Ref 20/01155/HOUSE, dated 14 July 2020, subject to the following conditions;
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Floorplan/Elevations.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of No 3 Bridge Cottages.

Procedural Matters

2. I have modified the description of the development in the heading above for conciseness.
3. The planning application was made retrospectively. The garden room has already been constructed and has been brought into use.
4. A revised version of the National Planning Policy Framework was published on 20 July 2021. Although the main parties have not been given an opportunity to comment on the revised document, the changes introduced are of limited relevance to the Council's reasons for refusal. Therefore, no party's interests would be compromised by me determining the appeal on the basis of the information that has been submitted to date.

Main Issues

5. The main issues in this case are:

- the effect of the development on the setting of No's 1-3 Bridge Cottages, which are Grade II listed buildings.
- the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy and outlook.

Reasons

Setting of listed buildings

6. No's 1-3 Bridge Cottages form a terrace of three historic dwellings which are collectively Grade II listed. Despite modern alterations, the cottages appear to maintain many of their original features and proportions. This is reflected in the front and rear gardens of the properties, which form an important part of their setting and hence contribute to their significance.
7. Although there is a good deal of modern development in the vicinity, including a nearby repair garage, the front elevation and gardens of the cottages are distinctive features when approaching the bridge from the south. The cottages are less prominent when approaching from the north and it is not easy to look into the rear gardens from here due to boundary vegetation. There is a garden fence which currently screens side-on views from the road to the east, although if this fence were to be removed in the future, it would be possible to look across the rear gardens of the cottages from here.
8. Yet while the rear gardens of the cottages are not easily seen from public vantage points, they are nonetheless visible from the cottages themselves. As such, the garden room at No 3 (which is the subject of this appeal) would inevitably have some effect on the setting of the listed terrace.
9. The garden room is a rectangular structure with a flat roof, timber exterior and glazed windows and doors. This gives it a highly contemporary appearance, in sharp contrast to the traditional design of the host cottage. However, the contrast in design also means that the garden room cannot be easily confused with any of the historic elements of the listed terrace. This distinction is reinforced by the fact that the structure is physically separated from the rear elevation of No 3 and mounted on a section of raised decking.
10. I am mindful that the building is relatively large for the size of the garden in which it is situated. Indeed, I saw that it projects above the boundary fence of the neighbouring dwelling (a matter which I return to later in this Decision). Nonetheless, there remains a good deal of open space to the rear of No 3 and so the original shape and proportions of the garden can still be appreciated. Furthermore, despite being visible from the neighbouring dwelling, the garden room is a relatively small structure in comparison to the terrace as a whole. As such, it does not dominate the historic terrace or unacceptably clutter the rear elevation from public or private vantage points.
11. For the above reasons, it seems to me that the garden room would have a largely neutral effect on the setting of the listed building and so the significance of the heritage asset would not be harmed. I therefore conclude on this issue that the development has an acceptable effect on the setting of No's 1-3 Bridge

Cottages. As such, there would be no conflict with Policies DM1, DM11 and DM25 of the Local Plan¹ which aim to protect heritage assets and promote appropriate standards of design in residential areas.

Living conditions

12. The garden room is positioned close to the boundary of No 2 Bridge Cottages and is a noticeable feature within the garden of this neighbouring dwelling as it projects well above the height of the boundary fence. However, when standing in the neighbouring garden, there are open views over the top of the structure to the trees and vegetation beyond. As a whole, the neighbouring garden maintains a relatively open aspect and would appear to receive good levels of natural light. Therefore, while the garden room is in relatively close proximity to the neighbouring greenhouse and vegetable patch, I do not consider that the level of daylight entering the neighbouring garden is substantially reduced as a consequence of the development. For these reasons, it seems to me that the garden room does not lead to a harmful sense of enclosure in No 2 despite it being a noticeable feature from within that garden.
13. Although there are no windows in the west elevation of the garden room, which faces the neighbouring garden, there is a full-length glazed access door and light in the south elevation facing the terrace. The line of sight between this door and the rear windows of No 2 is partly screened by vegetation, which would go some way to reducing light from the garden room and reduce the opportunities for overlooking. Furthermore, the main outlook from inside the garden room is the through the large glazed windows in the east elevation (facing the appellant's own garden) rather than this door. Hence it seems unlikely that users of the garden room would choose to dwell in the doorway or that its use would lead to an unacceptable degree of mutual overlooking. Privacy levels would not be affected to any harmful extent.
14. Therefore, while I recognise the concerns of the occupier of No 2, it seems to me that the garden room complies with Local Plan Policy DM11 in relation to these matters and is therefore acceptable in planning terms. I conclude on this issue that the development would have an acceptable effect on the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.
16. As the garden room has already been constructed, the standard time limit condition has not been imposed. However, in the interests of clarity, there is a condition requiring compliance with the plans. There is also a condition requiring the building to remain in residential use ancillary to the host dwelling (as considered in the Council Officer's Report). This is to ensure that its use remains compatible with the residential surroundings.

C Cresswell

INSPECTOR

¹ Mid-Devon Local Plan 2013-2033.