



Appeal Decision

Site Visit made on 23 November 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/U1105/D/21/3283710

8 Hillside, COLYTON, EX24 6NW

- 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 and Mrs Timmins against the decision of East Devon District Council.
 - The application Ref 21/0795/FUL, dated 12 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal upon the living conditions of No. 7 and No. 9 Hillside, with particular regard to outlook.

Reasons

3. The appeal building is a detached dwelling that occupies a narrow plot. It sits up against its western boundary and slightly in from its eastern boundary, with a narrow path to the side that provides rear access. The dwelling stands slightly higher than No. 7, which is to the east, and is at roughly the same level as No. 9, which is to the west. The rear gardens of these dwellings face north. Thus, garden areas are already shaded to a certain extent by the existing buildings. Unobstructed direct sunlight and daylight will thus be particularly valuable to the occupants of these dwellings in the early morning and late afternoon.
4. The proposal would extend the first floor of the existing dwelling to the rear across its full width, over the existing single storey extension. The extension would adopt the same height as the existing roof. It would extend back significantly beyond the rear elevations of the main two storey parts of these dwellings.
5. The side elevation of No. 9 is close to the boundary shared with the appeal dwelling. The extension would be dominant to the occupiers of this neighbouring dwelling. It would have an overbearing impact on the outlook from the first floor rooms at the rear, and the area of the garden closest to the rear of the dwelling. Owing to its scale, it would have an impact on daylight and direct sunlight reaching the neighbouring dwelling in the early morning.

6. The impact on No. 7 would be less, as there is a greater gap between the appeal dwelling and this neighbouring dwelling. However, there is a noticeable level difference between these dwellings, which would increase the proposal's impact on this neighbour. Its prominent form would be exacerbated by the extent of glazing at first floor, which would be at the east side of the rear facing gable and very apparent to people enjoying the rear garden of No. 7.
7. The appellants have referred to extensions to other dwellings on the road. I have reviewed these examples. They are quite different to the appeal proposal and do not cause me to come to a different view on this main issue.
8. In summary, the proposal would harm the living conditions of the occupiers of dwellings to either side of the appeal dwelling. It would not accord with Policy D1 of the East Devon Local Plan 2013 to 2031, which seeks to ensure that development proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Conclusion

9. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR