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# Appeal Decision

Site visit made on 1 March 2022

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

**an Inspector appointed by the Secretary of State**

**Decision date: 28 March 2022**

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**Appeal Ref: APP/X1118/D/21/3283345**

**The Old Police House, Rackenford, EX16 8DU**

- 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 Wayne Hutchings against the decision of North Devon District Council.
  - The application Ref 73293, dated 14 April 2021, was refused by notice dated 7 July 2021.
  - The development proposed is the alteration and extension of existing to provide improved living space.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the host building and on the living conditions of nearby residents with reference to overlooking, loss of privacy and loss of outlook.

## Reasons

3. The appeal site is located within the core of the village and comprises land and a relatively substantial two storey detached dwelling with attached single storey garage to the side. Dwellings within the village exhibit a mixture of styles and designs, with traditional cottages interspersed between more modern forms of development.
4. The appeal property has modestly sized external amenity areas to the front and rear, with a more open area of space to the north of the building. From observations made on my visit, it appears that the rear of the appeal building has been previously altered and extended. However, except for the modestly sized garage to the side which is subservient to the host building in terms of scale and appearance, the appeal building has an attractive and pleasing symmetry. Whilst views of the attractive and balanced frontage of the appeal building is partially screened by trees, the front and northern elevation of the existing dwelling is highly visible from the adjacent highway. By reason of its form, design, unaltered and symmetrical appearance, the frontage of the appeal building makes a positive contribution to the character and appearance of the area.
5. The appeal scheme would replace the modestly scaled garage to the side with a two storey extension. The proposed side extension would extend the overall

footprint of the building whilst respecting the building line of the front and rear of the dwelling. However, by reason of its height and mass, the proposed extension would not appear subservient to the host dwelling and given that the bulk of the extension would be positioned to one side, the appeal proposal would, in my view, significantly disrupt the pleasantly well-proportioned facade of the appeal dwelling and would unbalance the distinctive character and appearance of the appeal building. Consequently, the appeal scheme would be harmful to the character and appearance of the host building which, for the reasons above, contributes positively to the character and appearance of the surrounding area.

6. I have noted the Appellant's reference to the property known as "Boyces' which is located within the village close to the site. Whilst the Appellant's submissions are acknowledged, as I observed on my visit that dwelling was of similar scale to the appeal dwelling but retained a balanced and symmetrical appearance to the street scene.
7. As noted above, the appeal proposal would increase the overall footprint of the building. The appeal site is bordered to the north, south and east by residential development. By reason of the separation distance and intervening boundary vegetation, the appeal proposal would not have a significant impact on the living conditions of occupants of those dwellings located south and east of the appeal site.
8. However, the proposed extension would be positioned in close proximity to the modestly sized external amenity area at Nobys Cottage and to an outbuilding located within that external amenity area. By reason of its height and bulk, and given its proximity, the proposed side extension would appear overbearing and have a significant enclosing effect and so would harm the outlook for occupants of Nobys Cottage, particularly from their rear garden amenity area.
9. The proposed extension would include substantially scaled windows at ground and first floor level on its northern elevation. In terms of overlooking and loss of privacy, there would be no harmful impact from the proposed ground floor window on the northern elevation of the extended dwelling. However, the proposed first floor window would look out over the neighbouring garden amenity area described above and, in my view, would result in an unacceptable loss of privacy of occupants at Nobys Cottage. The use of obscured glazing for that proposed window may overcome concerns regarding loss of privacy but would be likely to adversely affect the living conditions of future residents at the appeal property.
10. In light of the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling and would unacceptably harm the living conditions for existing and future residents at the neighbouring Nobys Cottage.
11. Consequently, the appeal scheme would conflict with Policies DM01, DM04 and DM25 of the North Devon and Torridge Local Plan 2011-2031 (October 2018) which, amongst other matters, seeks to ensure that proposals respect existing development, its context, setting and surroundings in terms of form, scale, and design and which would not significantly harm the amenities of any neighbouring occupiers or uses.

12. It is acknowledged that the appeal scheme would provide very limited economic benefits in terms of employment opportunities during construction, and it is noted that the appeal scheme proposes the inclusion of two Swift bird boxes. In this regard, I do not find that the potential benefits of the scheme would outweigh the identified harm and conflict with the policies of the development plan as described above and to which I attach significant weight in the determination of this appeal.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*Mr A Spencer-Peet*

INSPECTOR