
Appeal Decision

Site visit made on 5 July 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 August 2022

Appeal Ref: APP/K1128/D/22/3296431

Beggars Roost, 32 Vicarage Road, Stoke Gabriel, TQ9 6QP

- 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 & Mrs A Langford against the decision of South Hams District Council.
 - The application Ref 4212/21/HHO, dated 4 November 2021, was refused by notice dated 2 March 2022.
 - The development proposed is application for removal of existing rear and side extensions and main roof and construction of new rear and side extension with new roof over. Alterations to front drive and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of occupiers of the dwellings known as Kemps Close and Ryecroft, Flood Street, in respect of privacy; and
 - the character and appearance of the area.

Reasons

Living Conditions

3. Three rear windows are proposed within the dormer. These would face towards the rear elevations and windows of neighbouring properties, Kemps Close and Ryecroft, across the short private rear gardens of these properties. Two of the windows proposed within the dormer would serve bathrooms and, were I to allow the appeal, a planning condition could require that these windows are obscurely glazed and fixed shut to maintain the privacy of the occupiers of the properties behind.
4. The remaining window would serve a bedroom. The appellants suggest that the window serving this room could also be obscurely glazed, and its opening restricted. This would allow ventilation into the room whilst also preventing overlooking. I agree that, without such measures, the close proximity of the window would allow direct views into the gardens and windows of Kemps Close and Ryecroft, causing a loss of privacy that would harm the living conditions of the occupiers of those properties.

5. The Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020 (SPD) states that obscure glass can be an appropriate solution and an example of this nearby has been provided by the appellant. However, the SPD does not support such measures for windows serving habitable rooms, such as the proposed bedroom¹. The suggested measures would leave the occupiers of the room with very little outlook, to the detriment of their living conditions. Having regard to the Planning Practice Guidance, it would not therefore be reasonable to impose a condition requiring obscure glazing or restricted opening to this window.
6. Furthermore, although shallow, the dormer would have a large size and mass, covering much of the roofslope. This, together with its position directly behind and looking towards both Kemps Close and Ryecroft, means it would have a physically overbearing and looming effect, adding to the impression of being overlooked. There are already first floor windows from 30 Vicarage Road that face in the direction of Kemps Close in particular. However, the position of No 30 means these views are only oblique at present, rather than the more harmful, direct views into the dwellings behind the appeal site, that would be caused by the proposal.
7. As such, the proposal would harm the living conditions of the occupiers of Kemps Close and Ryecroft, Flood Street, in respect of privacy. As such it would be contrary to Policy DEV1 of the Plymouth and South West Devon Joint Local Plan, adopted 2019 (the JLP) and the SPD, both of which require that new development provides satisfactory privacy for existing residents. For similar reasons it would also conflict with the advice in the National Planning Policy Framework (the Framework) that requires a high standard of amenity.

Character and Appearance

8. The area around the appeal site consists of single and two storey dwellings, some of which have dormers. There is a variety of building designs locally which together give the area a pleasant, but varied, suburban character. The proposed dormer would have a flat-roofed design that is similar to others in the local area. Moreover, although I have found that the dormer would have a large size and mass, its location on the rear elevation of the property means it would be screened by existing dwellings. As such, it would not be prominent in the street scene.
9. Its largely hidden position means it would not harm the wider development context or its surroundings. As such, the dormer would maintain the character and appearance of the area, and so would comply with JLP Policies DEV20 and DEV23, the SPD and the Framework, which require that development respects the character of the site's surroundings.

Other Matters

10. The site is within the South Devon Area of Outstanding Natural Beauty (AONB). It is common ground that the proposal would have no adverse effect on the natural beauty of the AONB. Having considered the proposal and visited the site and its surroundings, I concur with that view. Accordingly, the proposal would maintain the AONB's natural beauty. Nevertheless, regardless of the

¹ Footnote 260 to the SPD advises that bedrooms are treated as habitable rooms.

reasons why planning permission is required, the proposal must be considered on its merits including in respect of living conditions.

11. I do not doubt that high quality materials would be used, and that the proposal would maximise energy efficiency. However, those benefits are not inherently reliant on the proposal before me and are as such insufficient to outweigh the harm I have found.

Conclusion

12. Although I have found no harm in respect of the character and appearance of the area, there would be harm to the living conditions of the occupiers of Kemps Close and Ryecroft. I therefore find conflict with the Development Plan read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. The appeal should therefore be dismissed.

O Marigold

INSPECTOR