



Appeal Decision

Site visit made on 16 August 2022

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 30TH August 2022

Appeal Ref: APP/K1128/D/22/3302753

Swallows, 1 Higher Warren Road, Kingsbridge TQ7 1LG

- 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 David White against the decision of South Hams District Council.
 - The application Ref 0670/22/HHO, dated 23 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is enlargement of first floor window on south west elevation.
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Decision

1. The appeal is allowed and planning permission is granted for enlargement of first floor window on south west elevation at Swallows, 1 Higher Warren Road, Kingsbridge TQ7 1LG in accordance with the terms of the application, reference 0670/22/HHO, dated 21 April 2022, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 001C (Location Plan), 022B (Proposed SW Elevation).

Background

2. Swallows is a detached dwelling which has recently been extended. As part of this development, planning permission¹ was granted for a first floor bedroom window in the south west elevation of the dwelling. However, the window that was subsequently installed is larger than that permitted. The appellant seeks retrospective permission to retain the larger window.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers having particular regard to privacy.

Reasons

4. The bedroom window in question faces the rear elevations of No's 2 and 4 Lower Warren Road. When standing inside the bedroom and looking out of the window, the opposing ground floor and first floor windows in No's 2 and 4 are visible, along with parts of the rear gardens of those properties. However, due to the degree of separation, there are no clear views inside the rooms of the neighbouring dwellings. Furthermore, large parts of the neighbouring gardens are obscured from view behind vegetation and a garage block.

¹ Council Ref: 346/18/HHO and 0688/21/HHO.

5. Because Swallows is on higher ground than No's 2 and 4, the main outlook from the bedroom window is over and above the roofs of the neighbouring dwellings and towards the estuary. In fact, the gardens and rear windows of the neighbouring properties are not seen from all parts of the bedroom and only come into full view when standing close against the window. As the main living room of Swallows is situated on the ground floor, it is unlikely that residents would linger at this bedroom window for long periods of the day or focus their attention on the neighbouring properties. Overall, the window does not substantially erode the privacy of the neighbouring occupiers.
6. I am also mindful that planning permission exists for a smaller window in the same room and this is very likely to be implemented in the event of this appeal being dismissed. This window would provide views of the neighbouring gardens and rear elevations in much the same way as the existing window would. Although the field of view inside the bedroom would be slightly reduced with this smaller window, the effect would be negligible and would make little practical difference to the privacy of neighbouring occupiers. Retention of the existing window would have no greater impact on privacy than the window which already benefits from planning permission.
7. I therefore conclude that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers. There would be no conflict with Policy DEV1 of the Local Plan² or the overarching objectives of the SPD³, which both seek appropriate standards of privacy.

Conclusion

8. For the reasons given above, the appeal should be allowed. In the interests of clarity, I have imposed a condition requiring compliance with the plans. While the Council has suggested a condition requiring obscure glazing, this is unnecessary in light of my findings above.

C Cresswell

INSPECTOR

² Plymouth and South West Devon Joint Local Plan 2014-2034, adopted March 2019.

³ Plymouth and South West Devon Joint Local Plan, Supplementary Planning Document, adopted July 2020.