

Appeal Decision

Site visit made on 8 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 2ND September 2022

Appeal Ref: APP/U1105/D/22/3300303

3 Spring Meadow, Jackson Meadow, Lympstone, Exmouth EX8 5DF

- 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 Jonathan Clements against the decision of East Devon District Council.
 - The application, Ref. 21/3011/FUL, dated 6 November 2021, was refused by notice dated 11 March 2022.
 - The development proposed is a single storey rear extension – Revised Scheme.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension – Revised Scheme at 3 Spring Meadow, Jackson Meadow, Lympstone, Exmouth in accordance with the terms of the application, Ref. 21/3011/FUL, dated 6 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: OS based Site Location Plan; OS based Block Plan; Drawing No. 21.2408/02;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 2 Spring Meadow as regards outlook and light.

Reasons

3. The proposed extension would have a flat roof and project just over a metre above the existing boundary fence to a depth of 3.3m. As regards outlook, whilst I acknowledge that No. 2 has a small garden, this modest additional height would not be such as to create an undue sense of enclosure to either the outside area or the outlook from the French Doors in the rear wall of No. 2. In terms of aesthetics, if necessary there is the potential at No. 2 to introduce boundary planting or add a metre of lattice to the existing fence to accommodate climbing plants.
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4. In terms of daylight and sunlight, the garden of No. 2 has a south west aspect which is always the most favourable orientation for receiving natural light. No. 3 and its proposed extension are to the south east and I do not consider that an additional metre or so of boundary height would have any discernible effect on daylight at No. 2.
5. As regards sunlight, the officer's report correctly observes that the effect will be different according to the time of the year, but with the sun rising in the east and setting in the west and No. 3 on the eastern flank of No. 2, the effect of the proposal in terms of shadowing would vary between none at all and slight. This would apply to both the length of time that any shadow would be cast and to the extent of its area on No. 2's side of the boundary.
6. I have considered the comments of the neighbour and Council Members but conclude that there is no reasonable basis for withholding permission on the basis of the effect on the living conditions for the occupiers of No. 2 contrary to Policy D1 of the East Devon Local Plan 2013 to 2031 adopted in 2016 and paragraph 130f) of the National Planning Policy Framework 2021.
7. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for certainty, whilst a condition requiring matching external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR