



Appeal Decision

Site visit made on 27 September 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2022

Appeal Ref: APP/U1105/D/22/3302246

Blue Ridge, Elm Way, Sidford, Sidmouth, EX10 9SY

- 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 Christopher Timms against the decision of East Devon District Council.
 - The application Ref 22/0479/FUL, dated 28 February 2022, was refused by notice dated 7 June 2022.
 - The development proposed is installation of internal stairwell, addition of first floor and raising of existing roof by 1m..
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant in his Statement of Case referred to amended plans¹ for the refused scheme. The main differences between the refused application and amendments are additional screening and changes to windows. There is no evidence that the amended plans formed part of the scheme that the Council made its decision on, or that the amended scheme has been subject to any form of public consultation. In accordance with the 'Wheatcroft Principles'² it would not be appropriate to consider these amended plans within my decision as the acceptance of such would deprive those who should have been consulted on the changed development the opportunity to comment. As such, I will base my decision solely upon the plans that were assessed by the Council as part of the original planning determination.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the living conditions of the neighbouring occupiers of Loxwood House, with particular regard to privacy, light and outlook; and,
 - the character and appearance of the existing building and the surrounding area.

Reasons

Living conditions of neighbouring occupiers

¹ Drawings one, five and six.

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

4. The appeal property and its neighbours are on sloping ground. Boundary fences and vegetation combined with the sloping ground currently prevent views from the appeal property into the front and back gardens of the neighbouring house, Loxwood House.
5. The proposed extension would add a first floor to the appeal property with windows at the front and rear. Internal hedge screening within the rear garden of Loxwood House and the oblique angle of views into it from the proposed first floor rear window would limit overlooking. Views from the proposed first floor front window into Loxwood House front garden would be restricted because it would be recessed behind a balcony. Views from the balcony would also be limited because the appeal property sits forward of Loxwood House such that sections of the garden closest to the house would remain mostly out of view. Furthermore, anyone looking out from the balcony or window would be drawn to attractive views towards the valley opposite and the coast, rather than sideways into the neighbour's garden. Overall, I do not consider that the extent of overlooking would be enough to harm the living conditions of neighbouring occupiers to such an extent that would warrant withholding planning permission.
6. The kitchen window of Loxwood House looks out onto the side elevation of the appeal property. Although the existing outlook is therefore restricted, sky is visible over the top of the roof such that it does not completely dominate the view. The proposed extension would fill the view from that window leaving little or no sky visible. Consequently, it would reduce access to daylight and have an overbearing presence which would cause unacceptable harm to the living conditions of occupiers of Loxwood House. The proposed development would therefore conflict with Policy D1 of the East Devon Local Plan 2013-2031(2016) (LP) which only permits development which would not adversely affect the amenity of occupiers of adjoining residential properties.

Character and appearance.

7. Most houses on Elm Way including the appeal property are single storey, several of which have accommodation in the roof space. The road rises near the appeal site so that the ridge lines of houses correspondingly rise in a line. Consequently, the ridgeline on the appeal property is higher than that of its downhill neighbour and lower than Loxwood House which sits slightly above it and comprises 2 storeys. The appeal property and some other houses nearby have front gable projections which generally extend from below the main ridgelines. The appeal property gable also projects out to the rear. The proposed extension would raise the front and rear gable so that its eaves and ridge would be significantly higher than the main roof ridge and that of its neighbours.
8. Existing hedges and trees substantially screen houses from the front. However, when turning into Elm Way from the adjoining road and approaching the appeal site, because of the angle of the road, part of both the front and rear elements of the extension would be visible. From this view the difference in height of the gable ends to that of the main roof would be apparent and result in the proposed development dominating the existing house and its immediate neighbours. It would appear as a bulky and awkward addition at odds with other houses nearby and interrupt the rising ridgeline described above. As a result, it would harm the character and appearance of the existing house and

the wider area, and the proposal would conflict with Policy D1 of the LP which requires that the scale and height of development should relate well to their context.

Other matters

9. The appellant referred to planning permission granted for a 2 storey dwelling opposite the appeal site. No details of that scheme have been provided to me and I am therefore unable to assess any direct comparability with the current appeal proposal. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

Conclusion

10. I have considered all other matters raised by the appellant, including support for the scheme and concern regarding the application process. However, for the reasons above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR