



Appeal Decisions

Site visit made on 27 June 2022 by R Dickson BSc (hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal A Ref: APP/Q1153/D/21/3277973

8 Kellands Lane, Okehampton, United Kingdom EX20 1FQ

- 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 Mark Betambeau against the decision of West Devon Borough Council.
 - The application Ref 4117/20/HHO, dated 14 December 2020, was refused by notice dated 26 April 2021.
 - The development proposed is alteration and extension of dwellinghouse to provide Master Bedroom above garage.
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Appeal B Ref: APP/Q1153/D/21/3277980

8 Kellands Lane, Okehampton, Devon EX20 1FQ

- 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 Mark Betambeau against the decision of West Devon Borough Council.
 - The application Ref 1057/21/HHO, dated 17 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is alterations and extension to provide new master bedroom.
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Appeal C Ref: APP/Q1153/D/21/3277984

8 Kellands Lane, Okehampton, Devon EX20 1FQ

- 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 Mark Betambeau against the decision of West Devon Borough Council.
 - The application Ref 1059/21/HHO, dated 17 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is alterations and extension to provide new master bedroom.
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Decisions

1. Appeals A and C are dismissed.
 2. Appeal B is allowed and planning permission is granted for alterations and extension to provide new master bedroom at 8 Kellands Lane, Okehampton, Devon EX20 1FQ in accordance with the terms of the application, Ref 1057/21/HHO, dated 17 March 2021, subject to the conditions in the Schedule below.
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Appeals Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. As set out above there are three appeals on this site. They differ only insofar as the ridge height and roof design, and the garage door detailing. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the three schemes together, except where otherwise indicated.
5. Appeal A refers to the first planning application, with the tallest proposed side extension and Georgian style panelled garage door. Appeal B would have a lower ridge height and a horizontally slatted garage door. Appeal C would have the same ridge height and garage door as Appeal B, but with a hipped roof.

Main Issues

6. The main issues for Appeals A, B and C are the effect of the proposed development on:
 - the living conditions of the occupiers of 10 Kellands Lane, with particular regard to outlook and light; and
 - the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendations

Living Conditions

7. Kellands Lane is a residential street forming the entrance of a wider residential development positioned on a hill. 8 Kellands Lane is one of the first properties seen when entering the development at the base of the hill. The neighbouring property, 10 Kellands Lane, sits on higher ground and is angled perpendicular to the appeal property. Owing to the difference in levels, the garden and ground floor level of No 10 is approximately at the same level as the first floor of the appeal property. The eaves height of the existing garage roof is lower than the neighbouring fence.

Appeal A

8. The proposed Appeal A extension would be almost the same height as the main dwelling, with only a small step down in ridge height. The eaves of the proposed extension would be level with those of the main dwelling, significantly higher than the neighbouring fence of No 10. Due to the relative ground levels, the proposal would effectively be single storey in height above the garden of No 10, but would nevertheless result in a large expanse of blank rear wall along part of the boundary with that property.
9. As a result, while it would not overlap with the dwelling itself, the proposed extension would be an imposing and intrusive structure when seen from the garden and facing windows of that property. At present No 10 and its garden have an open outlook over the garage roof of No 8, which would be significantly and harmfully altered by the proposal. While the garden of

No 10 is also largely open to the south-west and south-east, the introduction of a wall so close to the boundary in this position to the north-west would lead to a significantly increased sense of enclosure. Consequently, Appeal A would result in an overbearing impact when viewed from No 10, and a harmful loss of outlook to that property.

10. The appeal site is set to the north-west of No 10. The proposed extension in Appeal A would be lower than the existing dwelling, and as a result is unlikely to result in a reduction in sunlight reaching No 10 or its garden compared to the existing two-storey dwelling. Therefore, Appeal A would not harm the living conditions of the occupiers of No 10 in respect of light.
11. I have been provided with other examples of properties near to the site where two storey properties have been built at right angles to one another or facing towards the wall of another property. However, in those cases the properties are at the same ground level and appear to have been built at the same time, therefore the occupiers would have been aware of the situation when choosing to live there. The properties at 30 Sterlings Way and 6 Hillside Drive also have deeper gardens than No 10, with an open aspect in other directions. The relationship is not therefore the same as between the appeal property and No 10. Nor does the existence of other properties with a restricted outlook justify introducing a new development that would harm the outlook for occupiers of an existing property. Therefore, these other properties do not justify allowing Appeal A.
12. Accordingly, Appeal A would harm the living conditions of the occupiers of 10 Kellands Lane with regard to outlook but not light. Nevertheless, it would conflict with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) (Local Plan) which requires good standards of design which have regard to context and surroundings. It would also conflict with the Plymouth and South West Devon Supplementary Planning Document (SPD) insofar as it aims to ensure new development provides for satisfactory outlook for existing residents.

Appeals B and C

13. Appeals B and C would result in a higher ridge and eaves height than the existing garage, however in both cases the eaves height would only just be above the top of the fence of No 10. While the roof in both Appeals B and C would still be seen from the garden of No 10, it would slope away from it, so would not result in a significantly increased sense of enclosure or have an overbearing impact when seen from that property. Both schemes would therefore have limited impact on the outlook of No 10, and significantly less than the impact of the Appeal A scheme.
14. Appeals B and C are also unlikely to result in a reduction in sunlight when compared to the existing property, owing to its position, height and orientation.
15. Accordingly, Appeals B and C would not harm the living conditions of the occupiers of 10 Kellands Lane with regard to outlook or light. Neither appeal would therefore conflict with Local Plan Policy DEV20 or the SPD in respect of living conditions.

Character and Appearance

Appeal A

16. Kellands Lane and the wider contemporary development are characterised by detached, semi-detached and terraced properties that are well proportioned. The estate comprises a number of house types, differentiated by use of materials but consistent in form, scale and proportions. Detached houses are generally double fronted and in cases where there is a side addition or garage, these are single-storey, appearing subservient.
17. The proposed Appeal A extension would have a ridge only slightly lower than that of the main house, a small set back from the front, and eaves at the same height. The overall effect would be to visually elongate the dwelling and significantly increase its mass and bulk. As a result, it would not appear subservient to the main dwelling. The resulting structure would be an imposing presence in the street scene in this location close to the entrance to Kellands Lane. It would appear incongruous given the consistency of the scale and pattern of surrounding development. Consequently, it would harm the character and appearance of the host dwelling and surrounding area.
18. I have been provided with examples of buildings with one long built form, with no steps in the ridge or eaves height, in particular the terraced properties on Long Barton Avenue. The front elevation of the terrace is broken by architectural features and each property has a front door, so it reads as three individual properties rather than as a single, elongated dwelling. Furthermore, the terraces in the wider development are largely consistent in form, and are quite different in proportion to the detached dwellings, which have their own distinctly different form. Therefore, these examples do not justify the harm I have identified.
19. Although the proposed panelled garage door is not a design commonly found on Kellands Lane, there are examples of similar garage doors on Fox Close, Howard Close and Sterlings Way, that are part of the same development. Therefore, the type of door would be in keeping with the character and appearance of the area. While it would be significantly larger than other garage doors locally, it is likely that the two existing doors could be altered to one wider door without needing planning permission. Therefore, this does not in itself justify refusing permission.
20. Nonetheless, due to the scale and height of the proposed extension, overall, Appeal A would harm the character and appearance of the host dwelling and surrounding area. It would therefore conflict with Policies TTV29, DEV10 and DEV20 of the Local Plan, insofar as they require extensions to be appropriate in scale and design in the context of the host dwelling, and to respect the pattern of local development. It would also conflict with the SPD where it states that extensions should relate well to the main dwelling and character of the area.

Appeal B

21. Both the ridge and eaves height of the proposed Appeal B extension would be lower than that of the main house, resulting in the windows also being lower. While it would be taller than other such side additions in the wider development, it would nevertheless be significantly smaller in scale than the main dwelling and would break up the front façade sufficiently that it would

appear subservient. The proposed Appeal B extension would therefore be read as an addition to the dwelling when entering Kellands Way and given the size of the plot, would not appear as overdevelopment.

22. Appeal B proposes a horizontally slatted garage door, which is the most common design on Kellands Lane and would be in keeping with the character and appearance of the area. For the same reasons as for Appeal A, the width of the door does not in itself justify refusing permission.
23. Accordingly, Appeal B would not harm the character and appearance of the host dwelling or the surrounding area. It would therefore comply with Policies DEV10, DEV20 and TTV29 of the Local Plan and would not conflict with the design guidance in the SPD in this respect.

Appeal C

24. The proposed Appeal C extension would have the same ridge, eaves and window heights and be the same width as the Appeal B proposal, so would also appear to be subservient to the main dwelling. However, the incorporation of a part hip, part gable roof form would appear contrived and awkward, and markedly different to the main roof form. It would also appear out of character with the other properties on Kellands Lane, where there are no other examples of similar roofs. Consequently, the roof form would harm the character and appearance of the host dwelling and surrounding area.
25. I am aware that there are other examples of hipped roofs in other roads nearby, however the properties in those streets are built in a different style to those in this part of the development. Consequently, they are seen in a different context and do not justify the inappropriate design proposed here.
26. The style and size of garage door proposed is the same as in Appeal B and would be acceptable for the same reasons.
27. Nevertheless, Appeal C would harm the character and appearance of the host dwelling and surrounding area. It would therefore conflict with the design requirements of Policies DEV10, DEV20 and TTV29 of the Local Plan and the SPD.

Other Matters

28. An occupant of the appeal site will require more living space in the coming years to accommodate chronic, long-term health conditions. All three appeals would provide a larger additional bedroom to provide additional space for adaptive accommodation and to incorporate equipment if needed. I therefore give moderate weight to the benefits all three proposed developments would afford that person.
29. I have found that Appeals A and C would harm the character and appearance of the host dwelling and area, and that Appeal A would also harm the living conditions of the occupiers of No 10. Both appeals would conflict with the development plan, and I afford this conflict very substantial weight.
30. Dismissal of Appeal A would potentially result in some adverse impact on the occupant as it would provide the largest additional useable floor area. Appeal C would have a lower roof form and therefore likely provide less useable space

than Appeal B. In both cases, it has not been demonstrated that suitable space could not be realised by rearranging the existing accommodation.

31. I have found no harm or development plan conflict in respect of Appeal B and recommend it be allowed, therefore, there would be another option available to provide the additional accommodation without the harmful impacts of Appeals A and C. Therefore, the potential impact on the occupant of dismissing Appeals A and C carries limited weight.
32. I have had due regard under the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but the harm that would be caused by Appeals A and C outweighs the benefits of those proposals in terms of eliminating discrimination against persons who share the protected characteristic of disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss Appeals A and C.

Conditions

Appeal B

33. In addition to the standard time period for commencement of the development, a condition is necessary requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.
34. A further two conditions were suggested by the LPA which seek to limit the use of the proposed extension to purposes ancillary to the dwelling and prevent commercial use. I do not consider that these are necessary or reasonable in this instance, as the proposal is for an extension to an existing dwelling with no indication that it is to be used for any purposes other than ancillary to the dwelling. If the structure is not built or used as proposed, or if there is a material change of use in the future, a separate grant of planning permission may be required, and the structure would be at risk of enforcement action if such permission is not granted.

Conclusions and Recommendations

35. Accordingly, Appeal A would harm both the living conditions of the occupiers 10 Kellands Lane in respect of outlook, and both Appeal A and Appeal C would harm the character and appearance of the host dwelling and surrounding area. I therefore recommend that Appeals A and C should be dismissed.
36. Appeal B would not harm the living conditions of No 10 or the character and appearance of the host dwelling or surrounding area and I therefore recommend it should be allowed subject to conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

37. I have considered all the submitted evidence and agree with the Appeal Planning Officer's report and recommendations. For that reason, Appeal A and Appeal C are dismissed, and Appeal B is allowed subject to the conditions in the Schedule below.

L McKay

INSPECTOR

Appeal B: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans MB4A, MB5A, MB6A, MB7A, MB8, and MB9.
- 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.