



Appeal Decision

Site visit made on 6 March 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/X1165/D/22/3308737

19 Lawn Close, Torbay, Torquay TQ2 8JZ

- 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 James Green against the decision of Torbay Council.
 - The application Ref P/2022/0587, dated 19 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is described as "revision of approved application P/2020/0869 to increase length of rear dormer by 1.8m".
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Decision

1. The appeal is allowed and planning permission is granted for increase length of rear dormer by 1.8m at 19 Lawn Close, Torbay, Torquay, TQ2 8JZ in accordance with the terms of the application, Ref P/2022/0587, dated 19 May 2022, and the plans submitted with it.

Preliminary Matters

2. The description of development used in the banner heading above has been taken from the application form. However, in allowing the appeal I have used the description of development stated on the Council's decision notice and the appeal form as the original description includes wording that is not an act or description of development.
3. The application form states that work began in February 2022 and at the time of my visit I saw that the external works to the dormer were complete. I note that the application has been dealt with retrospectively. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupiers of 18 Lawn Close (No 18) with particular regard to outlook and sunlight.

Reasons

5. The rear dormer extension projects 1.8m nearer towards the side elevation of No 18 and creates a high blank wall as part of its flat roof design. However, it is set in from the side elevation roof slope of the host property and away from the rear side windows of No 18 and its conservatory. Although the dormer can be seen from parts of the rear garden of No 18, this stepping away of built roof form maintains the legibility of the gable pitch, thus reducing the extension's presence and perceived dominance. Consequently, the dormer extension does

not result in an overbearing impact on the outlook from the conservatory, dining room or living room windows of No 18.

6. At my visit I was able to appreciate the presence of the dormer from various vantage points along the front, side and rear of the site. I noted that the principal outlooks from No 18 are to the front and rear, rather than the side elevations. Also, generous levels of natural light and sunlight reach much of No 18 on the front and rear elevations, including through its opaque conservatory roof. Even in the absence of the development, the close proximity of side elevations of the two neighbouring properties reduces the amount of natural light and sunlight into side elevation windows of No 18.
7. At the time of my mid-morning visit when the skies were clear, it was evident that notwithstanding the presence of neighbouring properties, most of the side windows to No 18 received direct sunlight. Although my observations only represent a snapshot in time, recognising that the sun's path and time of the year will alter this, I find that the development has not harmfully affected levels of sunlight reaching No 18. Furthermore, I have not been provided with any substantive evidence to demonstrate the development is unacceptable in this regard.
8. For the above reasons, I conclude that the development does not cause unacceptable harm to the living conditions of the occupiers of No 18 with particular regard to outlook and sunlight. As such, it does not conflict with policies DE3 and DE5 of the Torbay Local Plan (2012-2030) or Policy TH8 of the Torquay Neighbourhood Plan: The Community's Plan to 2030 (adopted June 2019) which together in this respect support developments that are designed to provide a good level of amenity. There is also no conflict with chapter 12 of the National Planning Policy Framework which amongst other things says that decisions should create places with a high standard of amenity for existing and future users.

Other Matters

9. In reaching my decision I have had regard to representations made by interested parties. Representations relating to privacy are noted though the development does not introduce new windows to the previously approved dormer and consequently does not harmfully erode privacy levels of neighbouring occupiers. The development is primarily located to the rear of the host property and therefore glimpsed views of it do not harmfully affect the character and appearance of the area.
10. The Council has not suggested the inclusion of any conditions. Given the nature of the development and the fact that it has already taken place, I do not consider any conditions to be necessary.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR