



Appeal Decision

Site visit made on 10 March 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/Y1110/D/22/3311311

30 Barley Lane, Exeter, Devon, EX4 1TD

- 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 and Mrs Shear against the decision of Exeter City Council.
 - The application Ref: 22/1073/FUL, dated 2 August 2022, was refused by notice dated 24 October 2022.
 - The development proposed is to construct a dormer roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst not specifically described within the description of development, the appeal proposal includes raising of the roof height of the property as part of the works to construct the dormer. For the avoidance of doubt, I have determined the appeal on the basis of all the works required to construct the dormer including raising the roof.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - The living conditions of neighbouring properties arising from overlooking.

Reasons

Character and appearance

4. The appeal property is a detached single storey bungalow located on Barley Lane, Exeter. The appeal site sits within the middle of three identical detached bungalows of simple pitched roof design. Barley Lane is on a slope, which results in ridgelines of properties generally stepping down from one to the next. This is evident with the appeal property and adjacent bungalows' ridgelines. A feature of the properties along Barley Lane is that the roofscape is largely unaltered and dormers have not been added. This is in contrast to the adjacent road Sussex Close where some of the properties have varying types and sizes of dormers within the roofscape.

5. The appeal proposal comprises the addition of a flat roof rear dormer with an external finish of hung tiles to match the existing roof slopes. There would be 3 velux windows in the front roof slope and a Juliet balcony and two windows in the rear dormer elevation. The box dormer would span across much of the width of the property at the rear. The ridgeline would need to be increased by 300mm in order for the dormer to be able to be constructed with what the appellant considers is the optimum design solution in terms of energy efficiency and air circulation.
6. Policy CP17 of the Exeter City Council Core Strategy requires development to exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity. Policy DG1 of the Exeter Local Plan First Review requires development to be of a height which is appropriate to its surroundings and relate well to the character and appearance of the surrounding townscape.
7. The Council's Householder's Guide to Extension Design Supplementary Planning Document (SPD) 2008 sets out detailed guidance for extensions to properties. The SPD states that where established townscape is mainly without dormer windows, proposals for dormers will not normally be acceptable. However, where dormers have become established townscape there may be greater scope for them.
8. In this case, it is evident that dormers are not part of the townscape along Barley Lane although they are clearly evident along the adjacent road in Sussex Close. I note the appellant has drawn attention to the prospect of a realistic fallback where a similar sized dormer could be constructed as permitted development, albeit with a 'cold roof'. In view of this and that there are dormers in existence close to the appeal site, I consider that a suitably designed dormer can be acceptable in principle at the property.
9. However, in this case the combination of the proposed dormer and raising of the ridge by 300mm would in my view would create a top heavy addition to the property when viewed together with the ground floor. This change to the roofscape would be prominent and visible in the Barley Lane street scene and would interrupt the pattern of development that currently exists with the identical bungalows either side. The consistency that exists with the three bungalows is a positive feature of the overall townscape and character and I consider that the raising of the ridgeline by 300mm to accommodate the dormer would adversely impact this part of the street scene along Barley Lane.
10. I acknowledge that a similar sized dormer could be constructed as permitted development, albeit without needing to raise the ridge height, and therefore exists as a potential fallback. I also acknowledge the case law presented that requires decision makers to give sufficient weight to fallbacks. With regard to the permitted development fallback, the appellant states that it would need to be constructed with a 'cold roof', which would be less energy efficient, have worse internal air quality and circulation and result in potential mould growth than the appeal proposal. Whilst these views are noted, I am able to only give them limited weight as no evidence has been provided that categorically demonstrates that these impacts would occur if the fallback option was constructed, and consequently avoided if the appeal scheme was built instead.
11. In this case, the increase in the ridge line by 300mm has been identified to cause harm to the street scene contrary to the Development Plan policies

meaning there is a material difference in what can be constructed under permitted development and the appeal proposal. As such, the scope of what can be constructed under permitted development does not outweigh the harm I have identified from the proposals before me and I therefore give it only limited weight in my decision.

12. Therefore and to conclude on this issue, raising the ridgeline by 300mm as proposed would result in a form of development that would harm the character and appearance of the area. I therefore find conflict with the requirements of Policy CP17 of the Exeter Core Strategy and Policy DG1 of the Exeter Local Plan First Review as well as the recommendations of the Householder's Guide to Extension Design SPD 2008.

Living conditions of neighbouring properties

13. The proposed Juliet balcony would be positioned on the roof near to the boundary of No.32. In my opinion the Juliet balcony would be visible from the garden area of No.32 and be more intrusive to the neighbouring property than if it were a standard window by facilitating the feel and perception of overlooking from the appeal property. Saved Policy DG4 requires development to ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. In this case, I consider that the Juliet balcony and the perception of overlooking that would arise would harm the enjoyment for users of the garden area at No.32. In addition, chapter 4 of the Council's Householder's Guide to Extension Design SPD 2008 recommends that where a dormer window increases the potential for overlooking of neighbouring properties planning permission will not normally be granted.
14. The velux windows to the front of the appeal proposal will not cause any adverse overlooking issues and are acceptable. At the rear, the two windows that will service the proposed bathroom and bedroom 2 would not cause any adverse impacts on overlooking over and above what would be expected in a residential area.
15. To conclude on this issue, the inclusion of the Juliet balcony conflicts with the requirements of DG4 of the Exeter Local Plan First Review and recommendations of the Householder's Guide to Extension Design SPD 2008.

Other Matters

16. I note that the appellant has set out that the proposal would make the most effective use of the site in the spirit of Chapter 11 of the NPPF. Whilst I acknowledge that the proposal would provide for additional living space to meet the needs of the occupiers, a similar sized dormer providing the same living space can be achieved through permitted development. In view of this, I do not consider there are any material benefits arising from the appeal scheme in terms of making the most effective use of the site that would outweigh the harm I have identified to the character of the area.

Conclusion

17. To conclude, the development would have an adverse impact on the character and appearance of the area and street scene of Barley Lane. The Juliet balcony part of the proposal would also facilitate the feel and perception of overlooking that would be harmful to the living conditions of the neighbouring property at

No. 32. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR