

Appeal Decision

Site visit made on 13 February 2024

by G Powys Jones MSc FRTPI

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

Decision date: 26th February 2024

Appeal Ref: APP/Y1110/D/23/3334293

5 Highcroft, Exeter, EX4 4JQ

- 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 Robin Costello against the decision of Exeter City Council.
 - The application Ref 23/0847/FUL, dated 6 July 2023, was refused by notice dated 2 November 2023.
 - The development is described as the replacement of two existing clear glazed Velux windows by a dormer window with obscure glazing up to 1.7m above the floor, and having openable escape windows no more than 1.1m above the floor as required by Exeter City Council's Building Control Department. Significant upgrades to the insulation of the affected room. Replacement of a ceiling affected by bomb damage in February 2021.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of two existing clear glazed Velux windows by a dormer window with obscure glazing up to 1.7m above the floor, and having openable escape windows no more than 1.1m above the floor as required by Exeter City Council's Building Control Department. Significant upgrades to the insulation of the affected room. Replacement of a ceiling affected by bomb damage in February 2021 at 5 Highcroft, Exeter, EX4 4JQ in accordance with the terms of the application Ref 23/0847/FUL, dated 6 July 2023, subject to the conditions set out in the attached Schedule to this decision.

Preliminary matters

2. The development as described is complete, and the appellant wishes to retain it. I shall proceed on this basis.
3. Comments have been made as to the accuracy (or inaccuracy) of the submitted drawings. However, since the structure is complete and in place, I could accurately assess its effects during my visit.

Main Issues

4. The main issues are the effect of the development on:
 - (a) the character and appearance of the host property and its surroundings, and
 - (b) neighbouring residents' living conditions with specific reference to privacy and visual impact.

Reasons

Character and Appearance

5. The appeal property, a detached dwelling, is located within a well-designed residential estate set in a richly landscaped setting on a steep hillside towards the outskirts of the City. The dwellings comprised in this phase of development are of varied design, but they share common features and characteristics, notably in terms of materials. Taken as a whole, the development presents a pleasant, well-planned picture.
6. The appeal property has an asymmetrical roof, with the south-western facing part being the deepest. Rooflights were originally installed in the lower part of the roof, but were replaced by a dormer window. For reasons explained in the representations, it was originally installed as what was thought to be permitted development, but this was challenged by the Council¹.
7. The Council and others regard the dormer as too large and of being comprised of inappropriate materials. I saw that white uVPC had been used and that this is not a material used on nearby dwellings. The Council, as a consequence, consider the structure to be '*highly dominant*' when viewed from the road and '*..as a slightly incongruous feature in the streetscape*'. That is a view shared by some of the closest residents.
8. Given the depth, width and overall scale of the roof as a whole I do not share the view that the dormer structure is too large or out-of-scale in relation to the host property. On the contrary, I regard it as a proportionate addition taking account of the mass of the dwelling and its roof. Nor, to my mind, is the structure '*highly dominating*' when viewed from the road. This is a matter of personal and professional judgment, but whilst the dormer can be seen from a relatively short stretch of the road as it winds tortuously up the hill, it does not immediately catch the eye. Other larger structures, such as the glazed frontage on a dwelling just to the east, tend to do that. Moreover, for most of the year, when re-foliation has taken place, views of the dormer would be even more curtailed than in winter, given the extent of the local landscaping.
9. I conclude that the dormer sits acceptably in its surroundings without harming the character and appearance of the host property or its wider surroundings. Accordingly, I find no conflict with those provisions of policy CP17 of the Exeter Core Strategy promoting a high standard of design in new development complementing and enhancing the City's character and local identity.

Living conditions

10. The residents most likely to be affected by the development live at Nos 3 & 4 Highcroft. No 4's rear garden boundary abuts that of the appeal property, and No 5 is built very close to this boundary. No 3 is somewhat off-set but remains in close proximity.
11. I visited the room which the dormer serves. I saw that the dormer had several panes, including some at the side of the structure. Four of the panes were openable – two at a high level and two below. All the panes below 1.7m were

¹ I have noted the appellant's 'fall-back' argument, but I am charged with determining a s78 appeal and not whether or not the dormer requires planning permission.

effectively frosted so that views to the outside were wholly obscured from a standing position.

12. However, whilst locked with a key, two of the lower panes were openable². One was opened for me, and I could see clearly into No 4's rear garden and across to its rear elevation. I could see nothing of No 3's rear garden when all windows were shut. Accordingly, when all windows are shut, neither Nos 3 or No 4 suffer actual loss of privacy.
13. However, it is also material, that neighbouring residents may perceive themselves as being overlooked, notwithstanding the effectiveness of the 'frosting'. This, however, should be balanced against the situation prior to the dormer being installed. I saw that No 5's balcony, being part of the original design, would overlook a large part of No 4's rear garden. Views from the balcony had been effectively blocked by the dormer. Also, largely because of the steep slope throughout this part of the estate, a degree of mutual overlooking is experienced, particularly from adjacent or adjoining gardens. Accordingly, this aspect, that relating to perceived overlooking, attracts little weight in my considerations.
14. The structure has been built very close to the boundary with No 4 and is therefore plainly apparent from within its curtilage. However, the physical relationship between the two properties was close from the outset, with the appeal property at a higher level in a more dominant position. The dormer, while clearly seen from No 4, has not in my view, unreasonably or disproportionately increased the mass or scale of the roof to the extent that I would regard the dormer as being an overbearing structure.
15. I therefore conclude, subject to adequate safeguards, that the retention of the dormer would not result in material loss of privacy, actual or perceived, or cause unacceptable visual impact to the closest residents. Accordingly, there is no conflict with those provisions of the Exeter Local Plan First Review policy DG4 designed to ensure that residential development is provided with a quality of amenity which allows residents to feel at ease within their homes and gardens.

Conditions

16. The Council does not consider that any conditions are necessary in the event of the appeal being allowed. I disagree. Firstly, it is necessary in the interests of maintaining neighbours' privacy that the lower windows of the dormer remain obscurely glazed.
17. Secondly, for the same reason, it is necessary that the dormer's lower openable windows should always remain closed, other than in emergencies. I am satisfied that such a condition is enforceable, given that the nearest residents could effectively monitor and record matters in the event of a breach.

Other matters

18. I have noted the references to other development plan policies but those to which I have referred are considered the most relevant having regard to the

² This was on account of Building Regulations' means of escape requirements, which the Council has not contested.

particular circumstances of the case. I have also taken account of the references to the *National Planning Policy Framework* and the Council's SPD³.

19. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). All glazing in the dormer up to a height of 1.7m above the floor level of the room it serves shall remain permanently obscured.
- 2). The two lower openable window panes in the dormer, hereby permitted, shall be kept closed and locked, and shall not be unlocked or opened other than in the event of emergencies.

³ Supplementary Planning Document - 'Householder's Guide to Extension Design' 2008