



Appeal Decision

Site visit made on 15 February 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11TH March 2024

Appeal Ref: APP/W1145/D/23/3327058

15 Church Meadow, High Bickington, Devon EX37 9DT

- 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 Woodman against the decision of Torridge District Council.
 - The application Ref 1/0020/2023/FUL, dated 5 January 2023, was refused by notice dated 9 June 2023.
 - The development proposed is a garage and garden room.
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Decision

1. The appeal is allowed and planning permission is granted for a garage and garden room at 15 Church Meadow, High Bickington, Devon EX37 9DT in accordance with the terms of the application, Ref 1/0020/2023/FUL, dated 5 January 2023, subject to the following 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 following approved plans: W316 22 201A (location plan), W316 22 204B (proposed site plan) and W316 22 301B (plans and elevations proposed).
 - 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.
 - 4) The building hereby permitted shall not be occupied until the window within the east elevation, as shown on plan ref: W316 22 301B, has been fitted with obscured glazing. Once installed the obscured glazing shall be retained thereafter.
 - 5) Prior to the first use of the garage hereby permitted, one Schwegler 1SP Sparrow Terrace shall be fitted to a tree or wall in the vicinity of the site and shall be retained as such thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 3 St Mary's Drive, with regards to outlook and privacy.

Reasons

3. The proposed building has been partially built and so the development is part-retrospective. The appellant has noted that the height of the building will be slightly less than that shown on plan ref: W316 22 301B. However, for the avoidance of doubt, I have made my decision based on the approved plans that are before me, and which are listed above.
4. In this instance, the proposed building would be clearly visible from the rear garden and rear windows of No. 3 St Mary's Drive. However, No. 3 is situated within a large plot, and as such, the dwelling is set back from the boundary fence. In addition, the single storey nature of the proposed building means that it would not appear as a dominant feature when seen within the context of the much larger two storey dwellings in the immediate vicinity. As a result, neither the siting or size of the proposed building would make the rear garden of No. 3 feel cramped or oppressive, and its current spacious character would be retained. Indeed, in my view, when seen from the rear garden or rear windows of No. 3, the proposed building would be perceived in a similar way to the existing garage block associated with the neighbouring dwelling to the south. Furthermore, given the limited height of the building, and the fact that it would not be situated tight to the boundary fence, I am satisfied that no harm would be caused in relation to overshadowing.
5. The appellant has noted that the approved plans do not show the correct height of the existing boundary fence. Clearly the fence does not form part of the proposed development itself. Nevertheless, its height in relation to that of the proposed building does mean that it is possible that the top of the window on the east elevation would be visible from the rear of No. 3. Indeed, during my site visit, I observed that the window opening within the partially built building was partly visible from that vantage point. Irrespective of the height of the fence, that window would also likely be seen from the first-floor rear windows of No. 3, albeit from an oblique angle. Therefore, in order to be certain that privacy would be maintained, I find it necessary to impose a condition to require that the window be fitted with obscure glazing.
6. Taking all of these factors into account I am satisfied that the proposed development would not result in harm to the living conditions of the occupiers of No. 3. As such, it would not conflict with Policies DMO1, DM04 and DM25 of the North Devon and Torridge Local Plan (2018), which in part, seek to preserve living conditions.

Other Matters

7. The appeal site is located adjacent to the High Bickington Conservation Area. The Conservation Area is characterised by a range of buildings of historic appearance which reflects the architectural styles and tastes of the time. Collectively these elements contribute to its significance. The Conservation Area is already seen in the context of residential development, and so the proposed development, being a subservient outbuilding, would not be at odds with that. In addition, due to the presence of a number of existing mature trees and other foliage, it is unlikely that the proposed development would be visible when viewed from within the Conservation Area. As a result, the proposal would preserve the setting of the Conservation Area, thereby avoiding any harm to the significance of a designated heritage asset.

8. A third party has raised concerns about the appearance and design of the proposed building. However, the plans show that the external walls would be rendered and the roof would have slate tiles. As such, its appearance would be very similar to that of the dwellings in the vicinity and so it would not appear to be incongruous with its surrounds.
9. A further concern was raised in relation to the possible future use of the building. However, the description of development is clear that permission is being granted for a garage and garden room. Any change of use would require permission from the Council and therefore a condition to restrict its use is not necessary.

Conditions

10. Beyond imposing a condition on obscure glazing as described above, I have also included the standard conditions to identify the relevant plans and timescales in the interests of certainty. A condition to require matching materials is necessary to ensure that the character and appearance of the area is maintained. A final condition secures the provision of a sparrow terrace in order to enhance biodiversity.

Conclusion

11. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR