



Appeal Decision

Site visit made on 15 April 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/U1105/W/23/3327760

1A Jarvis Close, Exmouth, Devon, EX8 2PX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Gill Parry against the decision of East Devon District Council.
 - The application reference is 22/1516/FUL.
 - The development proposed is the construction of additional two storey dwelling with associated car parking and amenity space.
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Decision

1. The appeal is dismissed.

Reasons

2. The proposal would entail the more efficient use of urban land for housing and would add to the mix, choice and supply¹ of homes available within this part of the district. The development would be finished to match the appearance of the existing house and would be conveniently located to a wide range of services and facilities. Mitigation would be provided to avoid any adverse effect upon the Pebblebed Heaths and Exe Estuary Special Protection Area. The proposal accords with the broad thrust of national² and local planning policies³ for the provision of new housing and biodiversity.
3. However, national and local planning policies also require new development to provide a high standard of amenity for existing and future users. In this regard, I share the Council's concern that the proposed window in eastern most bedroom, which would be immediately above and directly overlook the garden of the existing dwelling, would fail to ensure adequate privacy existed for neighbouring residents when using this external amenity space. Even if this window was fitted with obscure glazing, there would still be a harmful sense of overlooking of this garden and unless the window was fixed shut, such glazing would serve little purpose. At best, residents of the existing dwelling would be likely to feel very uncomfortable when using their garden area. The proposal conflicts with the amenity provisions of the Framework and LP policy D1 3(e).
4. When all of the above is weighed together, the adverse impact of the development, namely the unacceptable overlooking of garden space for occupiers of the existing dwelling, significantly and demonstrably outweighs the benefits. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

¹ I understand that the Council is unable to demonstrate a deliverable five year supply of housing.

² The National Planning Policy Framework (the Framework).

³ Policy H2 and Strategies 6, 47 and 48 of the East Devon Local Plan 2013-2031 (LP).