
Appeal Decision

Site visit made on 20 February 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/Y1110/D/23/3330166

14 Jersey Road, Exeter, Devon EX4 9AN

- 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 Mr & Mrs D Lidstone against the decision of Exeter City Council.
 - The application Ref is 23/0534/FUL.
 - The development proposed is loft conversion, including installation of Velux windows to rear elevation and single Velux to front elevation on existing roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

4. 14 Jersey Road is a detached two storey dwelling situated within a relatively modern housing estate in the city of Exeter. The proposal is for a loft conversion, and this includes the installation of a rooflight on the front roof slope and eight rooflights on the rear. The rear rooflights would be in groups of two, positioned one above the other. The appellants have confirmed that the rooflights can be recessed with the surrounding roof tiles.
5. The rear elevation of No. 14 is not visible from Jersey Road, but the proposed rear rooflights would be visible from several neighbouring properties located at the rear of the appeal site on Bindon Road. Furthermore, there would be glimpses of them through the gaps between the dwellings on Bindon Road.

6. Notwithstanding that the rear rooflights are described as individual units, their grouping together would form sizeable features that would clutter a currently uninterrupted roof and they would result in a marked disruption of the currently consistent row of unaltered roofs that No. 14 is within. Furthermore, the overtly vertical emphasis of the rooflights would be at odds with the orientation of the openings in the rear elevation and the distinct lack of alignment with the windows below would exacerbate the incongruity. As such, the rear rooflights would not be sympathetic to the character and appearance of the area and they would be out of keeping with their surroundings.
7. My attention has been drawn to other properties in the local area that have been the subject of roof dormers and the installation of rooflights. I have been provided with a lawful development certificate for a flat roofed dormer at 21 Bindon Road. However, that development is not comparable to the appeal proposal as the dormer was deemed to be permitted development. I have also been provided with a decision notice and plans for a large dormer extension at 23 Bindon Road. However, there is minimal information before me to show the reasoning behind the decision to allow that development, and other dormers on Bindon Road, and it is therefore difficult to make a comparison with the appeal proposal. In terms of the aerial photographs showing other properties on Bindon Road and Jersey Road with rooflights, they have a lower quantum of rooflights to the appeal proposal and different locational contexts. Those other rooflights therefore do not justify the harm caused by the appeal proposal.
8. For these reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Policy CP17 of the Exeter Local Development Framework Core Strategy (2012) and Policy DG1 of the Exeter Local Plan First Review (2005) (LP), which collectively seek, in part, for development to complement or enhance Exeter's character and local identity, promote local distinctiveness and contribute positively to the visual richness and amenity of townscapes. Additionally, the proposal would conflict with the Framework, insofar as it seeks to ensure that development is visually attractive as a result of good architecture and sympathetic to local character, including the surrounding built environment.

Living conditions

9. No. 14 is set within a large plot and its rear boundary adjoins the rear boundaries of two properties on Bindon Road. Bindon Road is a residential street consisting of bungalows, some of which have been extended through rear dormers. Some of these rear dormers look into the appeal site. The first floor windows in No. 14 look into the rear windows and gardens of some of the properties on Bindon Road. There is therefore a significant degree of existing mutual overlooking between the appeal site and the Bindon Road properties.
10. The Council confirms that the windows in the rear elevation of No. 14 are approximately 45 metres from the dwellings on Bindon Road and the appellants state that the approximate distance from those windows to the rear boundaries of the Bindon Road properties is 25.5 metres.
11. The plans indicate that the lower rooflights in the rooms of the proposed loft conversion would be close to the eaves of the roof. Someone stood within one of those rooms would therefore be able gain an angled view into the gardens of the properties on Bindon Road, which would overlook to a greater degree than

the existing windows in the rear of No. 14. However, it would be possible to adequately overcome the harm relating to overlooking from these rooflights by ensuring, by way of a condition, that they remain permanently obscured and fixed shut.

12. In terms of the higher rooflights, when they are closed, due to their angled position in the ceiling and height above the internal floor level, it would be difficult for someone to gain views into the neighbouring properties that would be more intrusive than the views from the existing rear windows in No. 14. When opened, people above a certain height would potentially be able to look down into the neighbouring properties. However, this would involve them putting their head beyond the outer plane of the roof and is therefore unlikely to be overlooking for a sustained period of time. Furthermore, the distance of these rooflights from the neighbouring properties means that this would not result in an increase in overlooking that would be materially harmful.
13. I acknowledge the concerns of interested parties regarding the development overbearing on their properties. Given that the proposal would not result in an increase in the massing and bulk of the existing building, the rooflights would not lead to materially harmful overbearing.
14. For these reasons, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of neighbouring properties. Consequently, the proposal would not conflict with Policy DG4 of the LP, which seeks, in part, to protect the quality of amenity. Additionally, it would not conflict with the Framework, insofar as it seeks to ensure that there is a high standard of amenity for existing and future users of development.

Other Matters

15. The proposed development would lead to increased and improved living accommodation at the property. However, this is a private benefit that carries limited weight and does not outweigh the conflict with the development plan identified above.

Conclusion

16. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. Material considerations, including the Framework, do not indicate that I should make a decision other than in accordance. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR