
Appeal Decision

Site visit made on 10 April 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/U1105/D/24/3337466

41 Fleming Avenue Sidmouth Devon EX10 9NH

- 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 Ms J Grigg against the decision of East Devon District Council.
 - The application Ref 23/1419/FUL, dated 30 June 2023, was refused by notice dated 30 November 2023.
 - The development proposed is the erection of first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor side extension at 41 Fleming Avenue Sidmouth Devon EX10 9NH in accordance with the terms of the application, Ref 23/1419/FUL, dated 30 June 2023, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. 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.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 01/A Location Plan, 03/A Proposed Block Plan, 03/A Proposed Floor Plan and 04/A Proposed Elevation.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

3. The appeal property is a two-storey semi-detached house on a late 20th century housing estate. It has a former single garage projecting forwards from its north-eastern corner now connected and used as living accommodation. The gable end of the dwelling sits off the side boundary and beyond this to the north is the rear garden of 24 Drakes Avenue which sits at right angles to the appeal property. There is an area of open space alongside, to the east, of this Drakes Road chalet bungalow. The proposal is as described above and is a continuation sideways of the main ridge of the appeal property to form a two-storey gable end a little over 1 metre from its side boundary.
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Living conditions

4. The Council expresses the concern that given proximity and height the planned extension would be unduly dominant and overbearing and lead to a poor outlook at the rear of 24 Drakes Avenue.
5. I observed that this residential area is not overly spacious given its original layout and also a number of extensions which have been undertaken. However, residents would rightly expect a reasonable level of amenity and outlook. In this case I am satisfied that these qualities would be retained following the planned extension works. The garden to 24 Drakes Avenue is of a reasonable size and functionality. The open space to its east aids its setting and outlook. The gable end as proposed would not be an unusual phenomenon. Furthermore, it is of relevance that it would not run across the whole of the rear boundary line of the neighbouring garden but rather would abut, a metre back, for less than half this fence line with unaltered outlook along the remainder.
6. In my opinion the scheme would not lead to an uncomfortable feeling of dominance; neighbours at 24 Drakes Avenue would not suffer from being overly hemmed-in and they would continue to enjoy good quality living conditions. In passing, I also note that with the removal of an existing side facing window as part of the plans there could be seen to provide privacy gains for these neighbours.
7. Policy D1 of the East Devon Local Plan 2013-2031 and Policy 6 of the Neighbourhood Plan for the Sid Valley 2018 – 2032 are relevant. Taken together, and amongst other matters, they seek to ensure new development would safeguard the amenity of those adjoining. For the reasons given above I conclude that the appeal scheme would not conflict with these policies.

Conditions

8. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I would agree with the latter in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR