



Appeal Decision

Site visit made on 9 May 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20.05.2024

Appeal Ref: APP/Y1110/D/24/3341324

8 Edinburgh Drive, Exeter EX4 2DX

- 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 David Archard against the decision of Exeter City Council.
 - The application Ref: 23/1550/FUL dated 20 December 2023, was refused by notice dated 22 February 2024.
 - The development proposed is 2 storey side extension, rear dormer and minor external/internal works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and on the street scene, and
 - b) The effect of the proposal on the living conditions of the occupiers to the rear of the appeal property in Lincoln Road, with particular regard to outlook, light and overshadowing and overlooking.

Reasons

Issue a) Street scene

3. The appeal property is a semi-detached property on the eastern side and towards the northern end of the cul de sac of houses along Edinburgh Drive. It has a side garden to the north with a row of three garages further north. The surrounding area is predominantly residential with a mix of semi-detached and terraced houses.
4. The proposal is to build a two storey side extension leaving a smaller gap between the house as extended and the adjoining garages. A roof dormer is also proposed to the main rear roof slope together with some internal and external alterations. The Council has confirmed that the dormer extension would fall within permitted development parameters and I have no reason to take a different view.
5. The proposed side extension would be set in from the existing elevations to the front and to the rear and the roof ridge would be set down from the main roof

ridge of the existing house. The proposal would not follow all the detailed guidance in the Council's Householder's Guide to Extension Design 2008 (SPD). However, the SPD is clear that each application will be considered on its own merits. Although the proposed set backs and set down from the existing elevations and roof ridge would be modest, I consider that as a result of the combined effect of the width of the proposed extension as well as the modest set backs, and set down of the ridge line, the side addition would appear as a subsidiary extension to the main dwelling.

6. In street scene terms, and notwithstanding the extension at No 6 Edinburgh Drive, the open gaps between the pairs of semi-detached properties are characteristic of the pattern of development of the local area. Although the extension would bring two storey development closer to the side boundary, it would abut the row of single storey and flat roofed garages and would therefore respect the pattern of development in the street scene. It would therefore continue the pattern of built development with open gaps, particularly above garages between the dwellings.
7. I am therefore satisfied that the proposed extension would respect the character and appearance of the existing property and of the street scene. There would be no conflict with Policy CP17 of the Exeter Local Development Framework Core Strategy (Core Strategy) and Policies DG1 and DG4 of the Exeter Local Plan First Review (LP First Review) and the National Planning Policy Framework (Framework), with particular regard to Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context.
8. I have noted that the proposal would not comply with all of the detailed guidance in the SPD. However, I have found that the proposal would respect the character and appearance of both the existing house and the street scene. In the particular circumstances of this case, and for the reasons set out above, I consider that there would be justification for an exception to be made to these parts of the SPD.

Issue b) Living Conditions

9. The properties to the rear of the appeal property in Lincoln Road are set at a lower level and the rear gardens to the properties in both Edinburgh Drive and Lincoln Road are relatively short; the Council estimates a back to back distance of only 13-14 metres. I consider that the infilling of much of the side gap between the property and the garages would have an enclosing effect for the occupiers of the properties directly to the east in Lincoln Road, particularly for No 8 which is directly to the rear of this open gap, exacerbated by the change in levels. The additional development at the appeal property would be overbearing and this would adversely affect the outlook for the neighbours in Lincoln Road in terms of outlook both from their rear facing windows as well as from within their rear gardens.
10. I have no technical information in terms of loss of light and overshadowing. However, given the relationship between the appeal property and the properties to the rear in Lincoln Road, and taking into account orientation, and change in levels, I consider that the proposed development would lead to some loss of light and increased overshadowing at certain times of the day. This would add to the harm to the living conditions of the occupiers of the properties to the rear that I have concluded.

11. I therefore conclude that the proposal would materially harm the living conditions of the occupiers to the rear of the appeal property in Lincoln Road, and particularly No 8, with particular regard to loss of outlook and loss of light and increased overshadowing. This would conflict with Policy CP17 of the Core Strategy and Policies DG1 and DG4 of the LP First Review and the Framework, and in particular paragraph 135 f), all of which amongst other matters seek to protect the amenities of existing and future occupiers.
12. The Council has also raised as part of its reason for refusal that there would be increased overlooking and loss of privacy as a result of the proposal. However, there is already some mutual overlooking as result of the proximity of the dwellings in Edinburgh Drive and Lincoln Road and I am not persuaded on the information before me that this would be materially worsened as a result of the proposed development. This would not on its own justify withholding planning permission, but this does not override the material harm I have already concluded to the living conditions of the occupiers of properties immediately to the rear in Lincoln Road.

Other Considerations

13. I have noted the family related reasons for seeking the additional accommodation, but this would not on its own overcome the harm I have concluded in respect of the particular proposal the subject of this appeal.

Planning Balance and Conclusion

14. I have found that the proposal would respect the character and appearance of the existing building and of the street scene. However, this finding does not outweigh the harm I have concluded to the living conditions of the occupiers to the rear in Lincoln Road.
15. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR