



Appeal Decision

Site visit made on 5 June 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/U1105/D/24/3341105

8 Mill Street, Sidmouth EX10 8DF

- 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 Alan Stevenson against the decision of East Devon District Council.
 - The application Ref: 23/0810/FUL, dated 13 April 2023, was refused by notice dated 5 December 2023.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension in accordance with the terms of the application Ref: 23/0810/FUL, dated 13 April 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: ADS 8M 001 Original Layout dated 13.07.23; ADS 8M 002 New Layout dated 13.07.23; Location Plan dated 20.02.2023; New Upper Floor Layout PP-11951815 Dated 12 July 2023; New Ground Floor Layout PP-11951815 Dated 12 July 2023; Original Upper Floor Layout PP-11951815 Dated 12 July 2023; and Original Ground Floor Layout PP-11951815 Dated 12 July 2023.
 - 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.

Preliminary Matters

2. I have revised the description of the development as set out on the application form and amended on the decision notice and the appeal form, to better reflect the proposal before me.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. There are no substantive changes relevant to the appeal before me, and therefore the Council, the appellant and other interested parties would not be prejudiced by my consideration of the 2023 version of the Framework.

Main Issues

4. The main issues are the effects of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. No. 8 Mill Street is an end of terrace two storey dwelling that follows a similar style and appearance to the other properties along the terrace to the west, which reflect the traditional vernacular of the area. To the east of No.8 is a more modern C21 terrace of properties, which angle away to the north-east. Directly to the south of No.8 there is a private car park, which enables views to the rear elevation of No. 8 from the narrow street of Holmdale.
6. The appeal proposal seeks to construct a two-storey flat roofed extension to the rear elevation of No.8 which would run the full width of the property, and project out a similar distance to the existing single storey rear extensions on No.8, and other rear additions along the terrace to the west.
7. From all that I observed during my site visit, it is my view that the proposal would represent a functional building form to the rear elevation of No. 8, that would follow a similar style and appearance to other two storey additions found along the rear elevation of the terrace. It would also appear subservient in terms of its building mass to the host property. As the proposal would be reflective of what is found elsewhere in the immediate surroundings, and visibility of the proposal would be limited to a short vantage point from the north with a private car park in the foreground whereby other similar rear additions are visible, I do not consider the proposal would appear unusual or out of place. I am therefore satisfied that it would not harm the character and appearance of No.8 or the wider area.
8. As a consequence, on this matter I find no conflict with Policy 6 of the Sid Valley Neighbourhood Plan 2018-2032 (the SVNP), Policy D1 of the East Devon Local Plan 2013 – 2031 (the EDLP) and paragraph 135 of the Framework, which collectively, amongst other matters, seek to ensure new development is of a high-quality design which is locally distinctive and relates well to context, local character, development spacing and siting.

Living conditions

9. The properties to the east of No.8 have openings on their rear elevations which angle broadly in a westerly direction. These properties are situated at a slightly raised level to No.8 and there is a high-level timber boundary enclosure within close proximity between their garden area and the appeal site. As a result, these openings have a somewhat limited outlook and orientate into an enclosed garden area.
10. The proposal follows a similar building line to the existing rear single storey additions to No.8 and therefore the majority of the openings to the rear of the properties to the east will not be impacted by the proposal, due to its siting and the separation distances involved.
11. There is however one opening on No.10 Mill Street that would be closer to the positioning of the proposed extension. This opening is situated at an angle

whereby it orientates in a north-westerly direction and away from the proposed extension. The opening faces towards the existing boundary fencing which is within close proximity. There is also a pedestrian footpath connecting into the rear of No.8 and the garden area of the properties to the east, which is located between the boundary fencing at No. 10 and the appeal site.

12. It therefore seems to me that whilst the proposal would lead to an increase in building mass near to this opening, due to its orientation, raised level, existing outlook and separation from the proposal by the intervening footpath, the living conditions currently experienced by this property would not be unduly prejudiced as a consequence.
13. For all of the above reasons, I am satisfied that the proposal would not adversely impact upon the natural light or outlook of No.10 or any of the wider properties near to No.8. I therefore conclude that the proposal would not conflict with Policy 6 of the SVNP and Policy D1 of the EDLP and paragraph 135 of the Framework. Taken together, and amongst other matters, they seek to ensure new development would safeguard the living conditions of existing and future occupiers of adjoining residential properties.

Other matters

14. In reaching my decision I have taken account of other matters raised by third parties, including those relating to a potential increase in noise arising from the proposed development, and that No. 8 could be used in the future as a holiday-let. However, the proposal before me is for a rear extension, whereby the nature of the use of the property will not change beyond what is presently possible. Therefore, whilst I have given these comments careful consideration, they do not materially change my conclusions on the proposal before me.

Conditions

15. The standard time limit is required together with a condition listing the plans in the interests of certainty. I have also included a condition requiring that the proposed external materials to be used match those on the existing building.

Conclusions

16. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR