



Appeal Decision

Site visit made on 9 December 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/P1133/D/24/3354274

151 Exeter Road, Kingsteignton, Devon, TQ12 3NQ

- 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 Geoff Evans against the decision of Teignbridge District Council.
 - The application Ref is 24/00779/HOU.
 - The development proposed is 2 storey rear extension for large living/garden room with master bedroom above.
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Decision

1. The appeal is allowed and planning permission granted for 2 storey rear extension for large living/garden room with master bedroom above at 151 Exeter Road, Kingsteignton, Devon, TQ12 3NQ, in accordance with the terms of the application, Ref 24/00779/HOU, dated 14 May 2024 and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ER.02.24.01; ER.02.24.03; ER.02.24.04
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those on the existing building.
 - 4) The development hereby permitted, including any demolition and timber treatment, shall proceed in strict accordance with the precautions, measures and enhancements described in section 7 and 9 of the Preliminary Ecological Assessment: Bats and Birds Survey by Wills Ecology (dated 9 May 2024).

Preliminary Matters

2. On 12 December 2024 the Government published a revised version of the National Planning Policy Framework (NPPF). However, the policies that are relevant to this appeal have not changed (albeit some of the paragraph numbering is different) and I have not, therefore, sought the parties comments on the revised NPPF.

Main Issue

3. The main issue is the effect of the proposed extension of the first floor bedroom window to 153 Exeter Road (No.153).

Reasons

4. The appeal site is located on the western side of Exeter Road and comprises a two storey semi-detached property with a long rear garden. Similar properties are to be found to the north and south of the appeal site, including the other half of the semi to the host property, No.153. The latter also benefits from a long rear garden. Whilst there is currently no extension to the rear of the host property, most of its neighbours, including No.153, have been altered through a mixture of single and two storey rear extensions.
5. The appeal proposal involves the construction of a two storey rear extension. The proposal would extend across most of the width of the host, but offset marginally from the common boundary with No.153. Whilst the proposed eaves would match existing, the ridge of the pitched roof to the new extension would be sited well below that on the main roof to the host. The pitched roof would finish in a gable end.
6. The Council have not raised any objection to the impact of the proposal on the character and appearance of the area or to its design. I concur with these findings. The proposal would be subservient to the host property and would be constructed from a pallet of materials to match existing. The proposed design would also be sympathetic and in keeping with the host property. The Council contend, however, that the proposal would result in an undue loss of outlook and natural light to the first floor bedroom window of No.153.
7. Whilst the Council's Delegated Report (CDR) explains its objection further, I note that there is no technical analysis in the report or reference to any tests or specific standards, in local plan policies or design guidance, that the Council seek to apply when considering the impact of extensions on neighbours. There is a brief reference to the 45° rule of thumb, but the CDR's finding in relation to the loss of outlook and natural light appear to have been based on the Officers site visit, the development plan policies and an overall judgement about living conditions.
8. The CDR does contend that the Appellants Sun Path Analysis (dated May 2024) is incomplete in that it concentrates on the position in the summer (June), with no before and after comparisons. I agree that this study is, in these respects, incomplete. However, a more detailed assessment has been undertaken in the Appellants Statement of Case (SOC). The latter includes an assessment of the sun path with and without the proposed extension. It also assesses sunlight and daylight in relation to the 'BRE Site Layout Planning for Daylight and Sunlight - a guide to good practice (2022)' (BRE Guide) and the 'British Standard BS EN 17037: Daylight in buildings' (BS). The SOC contends that these show that the proposal would not result in an undue loss of natural light.
9. Both the BRE Guide and BS are not mandatory and should be applied flexibly. They both comprise different ways of assessing daylight and sunlight on an empirical basis. They are useful tests and guidance and whilst I have had regard to them and they assist my assessment, I have also made an overall judgement on the impact of the proposal on living conditions based on my own observations on site and the policies of the development plan and NPPF.
10. As I confirmed earlier, the concerns relate only to the first floor bedroom window of No.153. As I observed on site, it appears that this window was reduced in size to accommodate the single storey extension, with mono pitch

roof, constructed on the rear elevation of No.153. Even so, the eaves height of the new extension would match existing and the extension would be set back marginally from the common boundary. In addition, the existing first floor bedroom window is sited centrally within the rear elevation of No.153 and a reasonable distance from the proposed extension. The rear projection of the proposed extension would also be modest, extending marginally beyond the rear wall of the extension to No.153. For all these reasons and notwithstanding that the bedroom window is located due north, I am satisfied that the proposal would not result in any significant harm to the outlook or to the natural light that is received by the bedroom window to No.153.

11. Whilst the proposal would be visible from the bedroom window, that would be at an oblique angle and in views over the rear garden to the host property. The principal outlook from the window, towards and over that property's rear garden, would not be affected. The window would, for the same reasons, also continue to benefit from a reasonable level of natural light. I accept that the proposal would have some impact on the outlook from and natural light received by this window, but the level of impact would, in my judgement, be moderate. It would not be significant or sufficient in itself to justify the refusal of planning permission. In reaching that finding I have had regard to the fact that the window in question serves a bedroom and not the principal living, dining or kitchen room to No.153 rooms where, in my view, the loss of light and outlook is likely to have a greater impact on living conditions.
12. Overall, I am satisfied that the proposal would not result in significant harm to the living conditions of the occupiers of No.153. In view of that finding, I have not considered the examples of two storey extensions within the area that both parties have referred to. As is required, I have determined the proposal on its individual merits having regard to the particular circumstances of the case and its local context.
13. In relation to the development plan, part e) of policy S1 and part c) ii of policy WE8 of the Teignbridge Local Plan 2013-2033 (May 2014) (TLP), require that development should not result in the undue loss of outlook or natural light. A similar approach is set out in parts b and c of policy H12 of the Emerging Teignbridge Local Plan 2020 – 2040 (November 2023) (ETLP), which I agree should be accorded due weight. For the reasons set out above, the appeal proposal would not conflict with the requirements of these policies. All of these policies remain consistent with paragraph 135 f) of the NPPF, which requires new development to secure a high standard of amenity for existing and future users.
14. Furthermore, paragraph 5.93 to policy H12 states that dominance is the extent to which a development impacts on the immediate aspect or outlook of adjoining properties, creating a sense of being 'hemmed in'. As I have found above, the proposal would not lead to the occupiers of No.153 being 'hemmed in' or to any significant harm to their living conditions. Paragraph 5.94 continues by stating that it is the unacceptable loss of light to a neighbours windows that is likely to lead to planning permission being refused. As I have found, whilst the proposed extension would result in an impact on the natural light received to the bedroom window, the level of impact compared to existing would be moderate and not significant or harmful to the living conditions of the occupiers of No.153.

15. Accordingly, I find that the appeal proposal would not result in any undue harm to the living conditions of the occupiers of No.153. As such, the proposal would accord with policy S1 and WE8 of the TLP and policy H12 of the ETLF, as well as paragraph 135 f) of the NPPF.

Other Matters

16. I note that a representation was received from the occupier of No.153 and whilst this raised 'concerns' in relation to the proposal, I have taken it to be an objection to the development. The representation raises other concerns in relation to maintenance, foundations and scaffolding. These were not matters raised by the Council and there is no evidence before me to indicate that these concerns would lead to any material harm.

Conditions

17. I have considered the Council's suggested conditions against the advice in the NPPF and the Planning Practice Guidance chapter on the 'Use of planning conditions'. Conditions requiring compliance with the submitted plans and for materials to match existing are necessary and reasonable in order to secure a high quality development. I also consider that a condition requiring compliance with the recommendations and enhancements set out within the 'Preliminary Ecological Assessment: Bat and Bird Survey' is also necessary and reasonable for the benefit of legally protected species and biodiversity enhancements.

Conclusion

18. For the reasons given above and having taken all the other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR