



Appeal Decision

Site visit made on 7 June 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/X1118/D/22/3312645

Morsha, King Street, Combe Martin, Devon EX34 0DA

- 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 Rocky Lethaby against the decision of North Devon District Council.
 - The application Ref 75968, dated 14 September 2022, was refused by notice dated 11 November 2022.
 - The development proposed is a rear extension and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note from the appeal documentation and my site visit that the rear extension to the property and other alterations had been partially constructed. As I cannot be certain that what has already been constructed reflects the appeal scheme, I have based my assessment of the development as proposed on the submitted plans.

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 existing neighbouring occupiers, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a two-storey terraced property located at an elevated position on King Street.
5. The proposed development comprises a single-storey rear extension to the first-floor level of the property. Given the sloping topography and the open nature of the rear parking areas, the rear building line of the property and the wider terrace can be viewed from the access lane. Combined with the proposed flat roof, the bulk and cubic form of the extension would be an incongruous design feature that protrudes up and outwards from the existing sloping roofline of the property. This is further amplified by the consistent ridgeline of the adjacent Kingsmead and the contrasting increased height of Shackhayes on

the other side of the appeal property. As a result, the proposed development would be a discordant feature that jars against the rear building line of the overall terrace.

6. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, contrary to policies DM04 and DM25 of the North Devon and Torrington Local Plan 2011-2031 (the Local Plan). These policies, amongst other provisions, support development which is appropriate and sympathetic to the form, scale, setting and design of its surroundings.

Living conditions

7. The proposed scheme would result in the use of the flat roof area above the ground floor extension as amenity space and to provide rear access to the dwelling. Although the views into the garden of Kingsmead would be possible from this proposed amenity space, these are limited by the existing hedge located along this boundary. On the other side boundary, a rendered guard rail is proposed which would restrict views into the garden space of Shackhayes.
8. Consequently, I conclude that the proposed development would not cause significant harm to the living conditions of existing neighbouring occupiers, with particular regard to privacy. It would accord with Policy DM01 of the Local Plan in this respect.

Other Matters

9. My attention has been drawn to a recently approved planning permission¹ for a rear extension, elements of which I note have been constructed. As there is a greater than theoretical possibility that the approved scheme could be constructed, regardless of the outcome of this appeal, it represents a fallback scenario to which I attach substantial weight.
10. Although the approved scheme also comprises a single-storey rear extension to the first-floor level, its modest scale and the extension of the angle of slope of the main part of the roof would result in a sympathetic addition to the appeal property. Consequently, the proposed development would be significantly more harmful to the character and appearance of the area than the approved scheme.
11. The fact that no objections have been received from neighbouring occupiers regarding the appeal application is not a reason, in itself, to permit unacceptable development.

Conclusion

12. The proposed development conflicts with the development plan and there are no other considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, the appeal is dismissed.

Juliet Rogers BA (Hons) MA MRIP

INSPECTOR

¹ Council Planning Application Ref: 72714