

## LIST OF APPEAL DECISIONS FROM 26<sup>TH</sup> APRIL TO 23<sup>RD</sup> MAY 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00617/FULL	Erection of a dwelling	Land and Buildings at NGR 295769 122231(R/O 14 Brook Street) Brook Street Bampton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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### Summary of Inspectors Comments

Proposed erection of single detached 'underground' dwelling.

The main issues are:-

- 1 The effect of the proposal on the living conditions of the occupiers of nearby properties, having particular regard to loss of privacy;
- 2 The effect of the proposed development on the character and appearance of the conservation area and on the setting of nearby listed buildings;
- 3 Whether sufficient information has been provided regarding drainage and flood risk matters; and
- 4 Whether the proposal would provide an adequate amount of car parking provision.

The proposed part underground dwelling is to be located to the rear of 12C Brook Street, the council consider the roof terrace to be 1.5m above existing ground level. This is not contested. Due to its elevated location this would create a considerable overlooking opportunity of neighbouring gardens. In addition the proposal is in close proximity to Webbers Court with clear views into the front windows, therefore a significant loss of privacy.

A condition was suggested by the applicant that the terrace could only be used for maintenance. The issue with this is that this cannot be monitored. The inspector agreed, and would fail the test for a condition.

Therefore the proposal would give rise to unacceptable loss of privacy for the occupiers of surrounding properties.

Refusal was also on insufficient information in order to assess the impact on heritage assets.

However the inspector considers sufficient information was submitted with the application along with further information supplied at the appeal.

Both sides made reference to a previous appeal for a dwelling on the site. although different the inspector at the time considered the new dwelling would neither preserve nor enhance the character of the BCA.

However the mainly subterranean design of the building would have little if any, inter-visibility between the proposed and the Grade I church. Therefore the proposed would preserve the setting.

The solar panels, glass balustrade would introduce a visually prominent design and have a negative impact on the appearance of this part of the BCA, and represent a significant incursion. There are no public benefits to outweigh this harm with the proposal being in conflict with policy.

The inspector concluded that as the council had no substantive information regarding drainage that the proposal would comply with policy in terms of flooding.

Although not complying with DM8 1.7 parking spaces due to the central location, the fact that DCC highways did not object, and no parking survey had been undertaken by the council for the area. The Inspector concluded the proposal would provide an appropriate level of parking.

Planning Balance and Conclusion

In terms of benefit the proposal increases the supply of housing, along with innovative design incorporating some substantial features. However in terms of negative aspects, the proposal would unacceptably affect the living conditions of the occupiers of neighbouring properties in terms of loss of privacy, and it would give rise to less than substantial harm to the significance of designated heritage assets.

in the context of paragraph 49 of the Framework, it is concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

15/01397/FULL	Erection of 2 storey extension	15 Churchlands Bow Crediton Devon	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Allow with Conditions
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EX17 6JF

### Summary of Inspectors Comments

The proposal is for a two storey side extension to a residential property. The property is one half of a pair of semi-detached properties.

The main issues were: a) the effect of the proposed extension on the character and appearance of the area; and b) the effect of the proposed extension on the living conditions of adjoining residential properties having regard to outlook and privacy.

The reasons the appeal was allowed is summarised below:

Character and appearance: although both pairs of semi-detached dwellings are of similar form and appearance, they do not possess a particularly strong sense of symmetry due to the differences in design, plot size and their slightly staggered siting. The estate contains a mix of development. The proposed extension would have a similar form and design to the host dwelling and would be set back slightly from the front and rear of the property with slightly lower roof line and as a result the proposal would appear subservient. By extending the host dwelling almost up to the boundary with No 13 the proposal would erode the existing gap in the street scene between the 2 pairs of semi-detached dwellings. The mix of development on the estate would not cause unacceptable harm to the character and appearance of the area.

Living conditions: Due to the slightly staggered siting of the host dwelling, the new extension would project slightly beyond the line of No 13's rear elevation, as a result notwithstanding its proximity the size and bulk of the proposal would not create an undue sense of enclosure or be unduly oppressive or overbearing when viewed from the rear windows of No 13 or its garden. The existing window in the first floor side elevation of No 13 faces the side wall of the host dwelling and appears to be obscure glazed. Therefore it already has a limited outlook. The first floor window in the side elevation of the proposal would also be obscure glazed.

15/01522/TPO	Application to dismantle 2 mature Silver Birch trees to ground level protected by Tree Preservation Order 02/00009/TPO	23A Higher Town Sampford Peverell Tiverton Devon EX16 7BR	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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**Summary of Inspectors Comments**

The inspector considered two main points

- 1 The effect on the Conservation Area and locality
- 2 If the reasons for removal are justifiable.

Higher Town is a narrow road which runs through Sampford Peverill of mixed dwellings and lightly treed. The property occupies a 90 degree bend, with a stone built wall. With the appeal trees on the right side of the gateway, behind the stone wall.

The trees provide the area with an attractive, sylvan character. The proposal would remove two large, attractive, healthy specimens and would result in the loss of an important landscape feature. As such the felling would cause harm to the character and appearance of the area.

The reason for removal is the damage being caused by the tree to the wall. There is no doubt that the trees are causing damage to the wall. The wall is capable of repaired without causing harm to the trees and allowing sufficient space for trunk growth. Therefore there is insufficient reason to remove the trees.

Conclusion on the 2 main issues are that the trees make a positive contribution, and are not ill suited to the location. Therefore the appeal is dismissed.