

## Appeal Decisions December 2018

**Site:** Meare Green House, Meare Green, Wrantage, Taunton TA3 6DA

**Proposal:** Insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage

**Application number:** 47/18/0006

**Appeal decision:** ALLOWED

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### Enforcement Appeal

**Site:** [Insert site address]

**Alleged Breach of planning control:** [Insert alleged breach]

**Reference Number:** [insert our reference]

**Appeal decision:** [INSERT DECISION]



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## Appeal Decision

Site visit made on 6 November 2018

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 December 2018

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### Appeal Ref: APP/D3315/W/18/3205663

#### Meare Green House, Meare Green, Wrantage, Taunton TA3 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Robert Hewton against the decision of Taunton Deane Borough Council.
  - The application Ref 47/18/0006, dated 4 April 2018, was approved on 12 June 2018 and planning permission was granted subject to conditions.
  - The development permitted is the insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage.
  - The conditions in dispute are Nos 2 and 3 which state that:
    2. *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) within three months of the date of this approval the ground floor window in the eastern elevation of the extension shall be obscured glazed to the equivalent of Pilkington Level 5 and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained"* and;
    3. *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), the garage shall be used solely for the parking of cars and/or for domestic storage and shall not be used for additional living accommodation without the further grant of planning permission"*.
  - The reasons given for the conditions are:
    2. *"To protect the amenities of adjoining residents"* and;
    3. *"To ensure that the proposed development does not harm the residential amenity of adjoining properties"*.
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## Decision

1. The appeal is allowed and the planning permission Ref 47/18/0006 for the insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage granted on 12 June 2018 by Taunton Deane Borough Council, is varied by deleting conditions 2 and 3.

## Preliminary Matters

2. A revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018, replacing the previous 2012 version. I have had full regard to the revised Framework in determining this appeal.

3. I saw on my site visit that the proposed window has already been installed and it appeared to match that shown on the submitted plans. I have determined the appeal on that basis.

## Background and Main Issue

4. The Local Planning Authority (LPA) granted planning permission for the insertion of a garage side-window and alterations to a dormer window in a domestic extension. This appeal seeks the deletion of conditions relating to the installation of the window in, and use of, the garage. Consequently, the main issue is whether the conditions are reasonable and necessary having regard to the living conditions of neighbouring occupiers, with particular regard to privacy.

## Reasons

5. The appeal property is one of a number of substantial modern detached dwellings on the north side of Meare Green. The neighbouring dwelling to the east, known as Tee Jan, lies some 15m or so from the garage.
6. The 2 properties are separated by a drainage ditch, a substantial boundary wall to Meare Green House and a further boundary wall and timber fence demarcating Tee-Jan's property.
7. The boundary wall to Meare Green House is sited very close to the window which is the subject of this appeal. I observed that the view, when looking out of that window from inside the garage, is dominated by the wall and as a consequence, none of the ground floor of Tee-Jan was visible. I was also able to view the window from both within the house and rear garden of Tee-Jan. From these vantage points I saw that, as a result of the boundary treatments, only a very small proportion of the top part of the window is visible from that neighbouring property. I am therefore satisfied that there is negligible inter-visibility between the garage window and any part of the ground floor of Tee- Jan. The retention of the window without modification would not therefore cause any material harm in terms of loss of privacy for occupiers of Tee-Jan. Moreover, given how it is substantially concealed by the boundary treatment there is no reasonable basis to conclude that the window, if clear-glazed, would give rise to the perception of overlooking as suggested by the LPA. Similarly, no other properties in the area would be affected.
8. The occupiers of Tee-Jan are concerned that the appellant may choose in the future to convert the garage into a habitable room and raise its internal floor level. However, the appellant has indicated he has no such intention to undertake any such work and it is not for me, in determining this appeal, to speculate on his future intentions. In any event, the current size and positioning of the window are such that any such changes to the internal floor level would not lead to any appreciable increase in overlooking. It is also suggested that the window has been placed at a higher level than other ground floor windows in the property. However, I saw that there are no other windows in the appeal property's eastern elevation for comparison and, in any case, I have no reason to doubt that it has been positioned in accordance with the approved plans.
9. In conclusion therefore, the installation of the window complies with the adopted Taunton Deane Core Strategy (September 2012) Policy DM1 and the

adopted Taunton Deane Site Allocations and Development Management Plan (December 2016) Policy D5. These policies, amongst other matters, require proposals for development to avoid unacceptable harm to the residential amenity of other dwellings. I therefore find that Conditions 2 and 3 are not reasonable or necessary in the interests of the privacy of neighbouring occupiers.

## **Other Matters**

10. West Hatch Parish Council suggests certain unauthorised works have taken place at the appeal site. However, these would be a matter for the LPA to investigate in its enforcement function and are not a matter before me in this appeal.
11. Similarly, ongoing concerns about the effects of the development which was the subject of previous planning permissions are not a matter for me to consider in determining this appeal.

## **Conclusions**

12. For the reasons given above, I conclude the planning permission should be varied as set out in the formal decision.

*Ian Bowen*

INSPECTOR