

Appeal Decision

Site visit made on 4 October 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

Appeal Ref: APP/P1133/W/16/3152326

Rosebank, Ogwell Road, East Ogwell, Devon TQ12 6AG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr and Mrs Matthews against Teignbridge District Council.
 - The application Ref 16/00812/OUT is dated 18 March 2016.
 - The development proposed is described as "outline application for erection of single detached cottage not exceeding 5.48 metres in height".
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Decision

1. The appeal is dismissed and outline planning permission for the erection of a single detached cottage not exceeding 5.48 metres in height is refused.

Procedural Matter

2. The application was made in outline and sought approval for access, layout and scale only. Details of appearance and landscaping were reserved for subsequent approval. I have determined the appeal on this basis, taking into account the block plan, Ref 71/4/2, which was submitted with the application.
3. The Council has submitted a planning officer's 'delegated report' which recommends refusal of the application for reasons relating to: (i) the effect on the character and appearance of the area and; (ii) the effect on living conditions of future occupiers with regard to amenity space. This is reflected in the main issues set out below.

Main Issues

4. The main issues are the effect of the development on: (i) the character and appearance of the area and; (ii) the living conditions of future occupiers, with regard to amenity space.

Reasons

Character and Appearance

5. The appeal site comprises part of the garden of the property known as Rosebank, which is located within the defined settlement limit. The area has a semi-rural character due to the spacious layout and the extensive views over the countryside.
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6. The proposal is for a modest detached dwelling of maximum height 5.48 metres. It would be located adjacent to the existing driveway and would be sited slightly further forward in the plot than the neighbouring house, known as Hill House. The new dwelling would utilise the existing shared access which currently serves Rosebank and Milton Croft. These properties are located to the rear of the site. The block plan shows that a car parking and turning area would be provided within the site.
7. The appeal site is constrained due to the need to retain the shared access, and provide an area of car parking and turning to serve the proposed dwelling. This means that the dwelling would be pushed towards the side of the site and located immediately next to the driveway. The space around the dwelling would be dominated by the driveway and the parking and turning area. Consequently, the overall layout would appear cramped.
8. The area is characterised by relatively large detached houses or bungalows, set within spacious gardens, which contributes to the open and semi-rural appearance. The scale of the proposed dwelling would be reflective of the size of the site, but would not reflect the scale of other houses in the vicinity. Moreover, the development would not have the spacious appearance that is characteristic of this part of the village.
9. The appellant states that a small dwelling here would have the character of a lodge house at the entrance to a larger property. However, lodge houses typically have historic origins and are often sited to be integral to the driveway. The proposed dwelling would not display these characteristics as the scale and layout are as a consequence of the constraints of the site, rather than being a design feature in their own right.
10. I appreciate that there has been recent development on land adjoining the site and that the development along Ogwell Road is not consistent in scale or design. However, a consistent characteristic is the open appearance which the proposal would not achieve.
11. I conclude on this issue that the development would have an adverse effect on the character and appearance of the area. Consequently, it would not accord with Policies S1 and S2 of the Teignbridge Local Plan 2013-2033 (adopted 2014) (the Local Plan), which seek, amongst other things, to ensure a high quality design that responds to the characteristics of the site, its wider context and the surrounding area. The proposal would not meet the aims of Policy S1A, which seeks to secure development that improves the economic, social and environmental conditions in the area or Policy S21 which supports limited development provided the rural character is protected.

Living Conditions

12. A small area of amenity space would be provided in front of the dwelling. Although there would also be an area of garden alongside the driveway, the use of this as amenity space would be limited due to its narrow shape and location alongside the shared access.
13. The Council considers the size of the proposed amenity space to be unacceptable as it would not provide adequate living conditions for future occupiers of the dwelling. However, it is clear from the application that the development would be a modest dwelling. Although the garden would be

somewhat dominated by the shared driveway, there would be adequate space to the front of the proposed dwelling for everyday activities such as sitting outside, hanging washing or for a small child to play. Consequently, I find that the proposed amenity space would be suitable and the development would provide adequate living conditions for future occupiers in this respect. It would, therefore, be in accordance with Policy S1 of the Local Plan which seeks to protect residential amenity. This does not overcome the harm described above, however.

Conclusion

14. For the reasons given above, relating to character and appearance, the appeal should be dismissed and planning permission refused.

Debbie Moore

Inspector