



Appeal Decision

Site visit made on 16 July 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/P1133/W/19/3227484

Land to the rear of Platway House, Platway Lane, Shaldon

- 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 & Mrs R Pash against the decision of Teignbridge District Council.
 - The application Ref 18/01739/FUL, dated 20 August 2018, was refused by notice dated 7 November 2018.
 - The development proposed is a new two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellants name in the banner heading above differs from that shown on the planning application form. However, I note correspondence submitted during the course of the application between the Council and agent clarifying the name of the applicant. The name given corresponds with the appellant name given on the appeal form and therefore I am satisfied to progress on this basis. For clarity I have also added the town of the property within the address in the banner heading above.

Main Issue

3. The main issues are the effect of the development on i) the character and appearance of the area, and ii) the living conditions of occupiers of 26 & 28 Platway Lane with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal site is indicated as being the former access to Platway House from Platway Lane, sitting within an established residential area with dwellings of varied design and character. The land slopes uphill from north to south with the appeal site sitting at a higher level than the neighbouring dwellings of 26 and 28 Platway Lane but lower than No 22. At the time of conducting my site visit, the site did not include any existing buildings and was devoid of vegetation.
5. The proposal is for the construction of a predominantly two-storey dwelling of a contemporary design. The proposed building would introduce a gable end fronting onto Platway Lane with two storey mass stepped off the boundary with

- Nos 26 and 28. Parking spaces are proposed to the front and a garden area to the rear.
6. The existing dwellings along Platway Lane are loosely arranged and have differing relationships with the highway in terms of their orientation and proximity. Whilst the established hedgerow does provide a sense of enclosure to the road, the built form comprising the immediate street scene has a generally spacious character, with a sense of openness around and beyond buildings, contributing to a pleasant feel to the lane.
 7. The dwelling proposed would be situated close to both side boundaries, including in close proximity to the dwelling of No 26. The proximity of the appeal development to these side boundaries would give the proposed dwelling a sense of enclosure that would be untypical of the general character of Platway Lane. Noting this and its two-storey mass, the development would significantly reduce the open aspect of the street scene appearing as an incongruous and cramped addition, eroding its character to a significant degree. Whilst the contemporary, stepped design of the proposal seek to reflect the site constraints including levels, I consider that this does not overcome its discordant appearance within the plot and street scene.
 8. Thus, the development would materially harm the character and appearance of the area. It would be in conflict with Policies S1 and S2 of the Teignbridge District Council Local Plan 2013-2033 (LP) adopted 2014 and the National Planning Policy Framework (the Framework), which seek, amongst other things, to deliver high quality development that integrates with or enhances the character of the street scene and built environment.

Living conditions

9. The proposed dwelling would introduce two storey mass within close proximity to the boundaries with both Nos 26 and 28 with the site situated in an elevated position to the south of these properties. Whilst the appellant contends that the occupiers of Nos 26 and 28 benefit from outdoor space to their north, I note that there are windows within the southern elevations and garden/yard areas serving the neighbouring properties adjacent to this boundary.
10. Although the first floor would be stepped away from the boundary, noting the height and length of this elevation and its elevated position, the introduction of such form would be visually oppressive when viewed from the neighbouring properties to the north. Moreover, given the difference in levels and the appeal sites relative orientation to the south of Nos 26 and 28, I am also not persuaded on the evidence before me, that the proposals would not result in an unacceptable loss of light enjoyed by occupiers of the neighbouring dwellings within rooms fronting onto the development or within garden areas.
11. I note that the reason for refusal makes reference to impact upon privacy although, with the exception of a rooflight, no side facing windows are proposed within the elevation fronting Nos 26 and 28. As such I consider that the proposals would not have an unacceptable impact in this regard.
12. Thus, the proposal would represent a visually dominant form of development that would have a significantly harmful impact on the living conditions of occupiers of 26 and 28 Platway Lane, by reason of loss of outlook and light. It would be in conflict with Policies S1 and S2 of the LP and the Framework, which

seek, amongst other things, to ensure that development should have regard to impact upon residential amenity of existing dwellings by virtue of outlook and natural light.

Other matters

13. I note that a planning obligation has been submitted by the appellant in order to mitigate the impacts of the development on the Exe Estuary Special Protection Area. However, given my conclusion on the main issue it has not been necessary for me to pursue and assess this matter any further.
14. The appellant contends that a number of properties within the area have been built up to their boundaries, although no details have been provided of particular properties or their planning history. Nevertheless, each case must be assessed on its merits and whilst I observed a degree of variety within the immediate street scene and wider area, I consider that owing to its cramped appearance, the proposal would cause significant harm to the established character of the area.
15. Whilst I acknowledge the benefits that would result from a self-build dwelling which would enable the appellants to stay in the village, the proposed design of the development and that suitable materials could be employed, these matters do not outweigh the harm that I have identified.
16. In addition, the harm that I have identified above would significantly and demonstrably outweigh the benefits of the development. As such, the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case.

Conclusion

17. For the reasons outlined above, and having regard to the development plan when read as a whole, the appeal should be dismissed.

Robert Lankshear

INSPECTOR