



Appeal Decision

Site visit made on 11 June 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/P1133/D/19/3225086

1 Kits Close, Chudleigh, Devon TQ13 0LG

- 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 Eddie Howe against the decision of Teignbridge District Council.
 - The application Ref 18/01497/FUL, dated 4 July 2018, was refused by notice dated 22 February 2019.
 - The development proposed is ground floor flat roof extension to the rear of the property and a new two storey extension to the side of the property, including a garage. Existing pitched roof to be raised with the introduction of new dormer and velux windows.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 20 June 2019

Decision

1. The appeal is allowed and planning permission is granted for ground floor flat roof extension to the rear of the property and a new two storey extension to the side of the property, including a garage. Existing pitched roof to be raised with the introduction of new dormer and velux windows at 1 Kits Close, Chudleigh, Devon TQ13 0LG in accordance with the terms of the application, Ref 18/01497/FUL, dated 4 July 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EH.AL(0)01; and EH.AL(0)02B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. EH.AL(0)02B.

Procedural Matter

2. The description of development on the Council's decision notice differs from that on the application form. I have used that from the former in my banner heading and decision.

Application for costs

3. An application for costs was made by Mr Eddie Howe against Teignbridge District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are the effects of the proposed development on (i) the living conditions of the occupants of 3 Kits Close, having particular regard to outlook and sunlight; and (ii) the character and appearance of the area, including the setting of the Chudleigh Conservation Area.

Reasons

Character and Appearance

5. Kits Close is a residential cul-de-sac, to the southeast of the centre of the town. It is made up of bungalows, the roof spaces of some of these have been extended through the addition of dormer windows. 1 Kit Close lies at the junction between the cul-de-sac and Clifford Street, from which it rises. Here, Kits Close has a sinuous route and the first few dwellings on either side of it are set out irregularly and have differences in their designs and plot sizes. Beyond here, the Close runs more along the contours and the form of development that flanks it is far more regular.
6. No 1, sits in a good-sized plot that is at a higher level than the road. It has rectangular plan form and a simple design with gable ends facing to the front, towards Kits Close, and to the rear. The site's southwestern boundary abuts that of the Chudleigh Conservation Area. No 1 stands markedly forward of its immediate neighbour, 3 Kits Close. That property is at a slightly higher level than the appeal site, and is at a slightly different angle in relation to the road.
7. I have been provided with details of an earlier planning permission for the development of the site, (15/03468/FUL). From the appellant's submissions and the Officer's report to the Council's Planning Committee, the differences between that approval and what is here proposed are essentially two-fold. Here, the ridge line of the existing dwelling would be raised by 0.5m, with the dormers being raised commensurately; and the addition of a single storey along the rear, northwest elevation. The ridge height of the proposed side extension would remain as was previously approved.
8. Given the differences in the finished floor levels of the dwellings at this end of the Close, and the less uniform layout here, whilst these changes would be clearly seen from public vantage points, they would maintain the character and appearance of the street scene. Although no other dwelling in Kits Close seemed to have raised its ridge, the proposed development would be of a scale and height that would be in keeping with the street scene. Furthermore, the scheme would not be markedly different from what has already been approved by the Council.
9. The single storey extension at the rear would be likely to be screened from public views as a result of hedges bounding the site and the proposed side extension. Even were it to be seen, as there are a number of flat roofed garages and extensions in the Close, it would not appear as an alien feature in the townscape.
10. The decision reached by the Council makes no reference to harm to the setting of the Chudleigh Conservation Area. From my assessment of the scheme, I would agree that no harm would arise to its setting, which would be preserved in line with the terms of the Government's National Planning Policy Framework.

11. My conclusion on this issue is that the proposal would be entirely appropriate in these regards. As such, it would accord with the terms of Policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033, adopted May 2014 ('LP'). The former sets out, amongst other things, that planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. Amongst the sustainable development criteria set out in LP Policy S1 is the requirement to maintain the character and appearance of street scenes, which would be the case here. Lastly, the scheme would represent good design as required by LP Policy S2.

Living Conditions

12. I was asked to visit No 3 at my site visit, where I was able to assess the effects on the living conditions of its occupants. It has a living room window on its side elevation that is close to the boundary. This faces towards No 1. As this window has a relatively high sill level, it only offers a clear view to No 1 when one is standing. This living room has another larger window that opens to the property's conservatory and, beyond this, its garden.
13. From the side window, the uppermost part of the flat roofed extension would be seen. Its height would be at roughly the same level as the present eaves line and, thus, what would be seen would be against the existing gable end of No 1. This, and the intervening boundary hedge, which would screen most of this element, would mean that it would have no ill-effect on the occupants of No 3.
14. I find similarly with regards to the raising of the existing ridge line. This would be seen from this window and two at the front of the dwelling, one of which serves a bedroom. These latter two windows do not look straight towards No 1, but have an oblique relationship with it. Neither the raising of the ridge nor the proposed extension would result in an overbearing effect when seen from these windows. The outlook afforded from them would be little affected and would not justify refusing permission.
15. I also viewed the site from the front and side gardens to No 3. The raising of the ridge and the proposed side extension would be clearly seen from here. As the former would be set well back from the boundary, it would have very little effect on the outlook from the garden. The gable end of the side extension would be very close to the boundary and would be apparent from these garden areas. It would affect the outlook from the garden and would cast a shadow over some of this for part of the day. However, I find that these minimal effects on part of the large garden to No 3 would not justify refusing permission.
16. For the above reasons, I find that the scheme would not cause significant harm to the living conditions of the occupants of No 3 Kits Close through loss of outlook or sunlight. It would, therefore accord with those terms of LP Policies S1A, S1, S2 and WE8 that seek to protect the living conditions of existing residents.

Other Matters

17. Although the property might be suitable for elderly residents, and there might be a shortage of these, this does not provide justification for refusing permission. Although some of the extensive hardstanding at the property would be built on, the Council did not object on the grounds of a lack of

parking and I see no reason to differ from that position. It did not object to the provision of the proposed new gate and, again, I see no reason to find differently.

18. As I was not provided with a copy of the Council's application 'Validation Guide', I cannot be sure of what it requires in terms of an assessment of effects on heritage assets. Therefore, I can give very little weight to this matter.
19. Although the applicant might not live at the property, this has no bearing on the main issues upon which the appeal rests. The appeal is allowed on the individual circumstances of this case and it should not be seen as setting a precedent for other similar developments. Those, too, would have to be assessed on their individual merits.

Conditions

20. The Council has suggested that three conditions be used, if the appeal is allowed. I have assessed these in the light of paragraph 55 of the Government's National Planning Policy Framework. I find that, in addition to the statutory time limit condition, that relating to the approved plans is necessary in the interests of certainty and that relating to external finishes is necessary in the interests of the character and appearance of the area.

Conclusion

21. In the light of the above, and having taken all matters raised into account, I allow the appeal.

Roy Curnow

INSPECTOR