



Appeal Decision

Site visit made on 3 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/P1133/W/19/3240128

10 Elmwood Avenue, Newton Abbot TQ12 1RS

- 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 Ms Kerry McLean against the decision of Teignbridge District Council.
 - The application Ref 19/00814/FUL, dated 18 April 2019, was refused by notice dated 5 August 2019.
 - The development proposed is described as *'the erection of a small three-bedroom bungalow in the existing garden of 10 Elmwood Avenue, Newton.'*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a small three-bedroom bungalow at 10 Elmwood Avenue, Newton Abbot TQ12 in accordance with the terms of the application Ref 19/00814/FUL, dated 18 April 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. I have referred to the description of development used on the planning application form in my decision above, but only insofar as it relates to the development proposed, not its location.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to the side garden of No 10 Elmwood Avenue, which is a semidetached two-storey dwelling at the corner of Elmwood Avenue and Applegarth Avenue, within a residential part of Newton Abbot.
5. The proposal seeks to erect a bungalow fronting Applegarth Avenue, from where parking for the bungalow and No 10 Elmwood Avenue would also be provided. The siting of the bungalow would adhere to the Elmwood Avenue building line and that along Applegarth Avenue to the south east, but not the building line along Applegarth Avenue to the north west.
6. However, the public highway at the road junction adjacent to the site is wide and separates it from neighbours in this direction to such an extent that the building line has little practical significance. Although properties in Applegarth Avenue are in discernible rows, the building lines across this area variable, by design, in any event. The housing here is close knit and compact and the

undulating topography leads the sinuous street network to feel rather enclosed at times. The bungalow would not be cramped or harmfully prominent in this context.

7. The Council has concerns regarding the design and scale of the dwelling. However, although there is repetition in some of the architectural features in the street scene, there is equally variation, with a largely harmonious mixture of bungalows and houses, some of which have differing orientations. Whilst the flank wall of the dwelling would front on to Elmwood Avenue, this is not entirely uncommon in the area, particularly at corner plots. As such, the bungalow would integrate successfully into its environment.
8. The Council has referred to planning decisions at No 2 Elmwood Avenue, at the opposite end of the street¹. Those decisions have not been supplied but I am aware that that site bounds the main road on elevated land and therefore has materially different circumstances to the appeal site. Given such, the referenced decisions have carried very little weight in my assessment.
9. I conclude on this basis that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033 (adopted 2014) and the National Planning Policy Framework.

Other Matters

10. A bus stop is opposite the site on Applegarth Avenue which, given its proximity to the road junction, can cause congestion and constrain visibility, particularly at busy times and when vehicles are parked around the junction. However, I understand that a policy compliant quantum of two parking spaces for both the bungalow and No 10 would be provided, which would be set back approximately 3.6m from the carriageway. There is no substantive evidence before me to suggest that these parking spaces would be unsafe. Given such, whilst I accept the existing situation within the highway, I am satisfied that the proposal itself would have an acceptable effect on highway safety.

Conditions and Conclusion

11. In addition to the standard time condition, I have imposed a plans condition in the interests of certainty. In the interests of highway safety, it is necessary for the parking areas to be laid out prior to occupation of the dwelling and retained thereafter. Conditions are necessary to ensure that foul and surface water drainage is dealt with effectively.
12. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should succeed.

Matthew Jones

INSPECTOR

¹ Refs 04/05242/OUT and 04/04095/OUT

Schedule of 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: KM2B, KM3b, KM5a, KM1 REV A, KM4C.
- 3) Parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved plans prior to occupation of the dwelling.
- 4) Surface water drainage shall be provided by means of a soakaway which shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.
- 5) Details for foul sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Once agreed the approved method of foul sewage disposal shall be installed prior to occupation of the dwelling and retained thereafter.