



Appeal Decision

Site visit made on 10 December 2019 by Ben Phillips Bsc Msc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/P1133/W/19/3235397

Land at The Paddocks, Manor Road, Abbotskerswell, Newton Abbot TQ12 5YE

- 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 Neil Redfearn (Ferndale New Homes Ltd) against the decision of Teignbridge District Council.
 - The application Ref 18/01827/FUL, dated 29 August 2018, was refused by notice dated 24 June 2019.
 - The development proposed is described as a "Proposed Dwelling (Resubmission)".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue in this case is the effect that the proposed dwelling would have on the character of the surrounding area.

Reasons for Recommendation

4. The appeal site is a parcel of open, overgrown land, located in a prominent position on the corner of the cul de sac The Paddocks and Manor Road within the settlement of Abbotskerswell. The Paddocks is made up of 7 large detached dwellings of similar appearance and character, set back from the highway with open, landscaped frontages. Manor Road is a lengthy road with a wide variety of dwellings with a row of similar detached two storey dwellings opposite the appeal site, and Manor House, a large detached dwelling sited to its east.
5. Compared to the other plots on The Paddocks, the appeal site is a relatively narrow site. It is further constrained by the presence of a TPO tree in its southern end. This goes some way to dictating the siting and form of the proposed dwelling which would be located in the northern end, and given the narrow nature of the plot, close to the rear (eastern) boundary (with the access to Manor House) and northern boundary (with Manor Road) and with a limited set back from The Paddocks highway.

6. Given the prominent siting of the proposed dwelling, when viewed from Manor Road its proximity to these boundaries is at odds with the prevailing character of The Paddock development. Whilst these dwellings are set out close to their side boundaries, the set back and landscaped frontages give an open spacious feeling to the estate. The proposed dwelling would appear close to both Manor Road and The Paddocks. Given its prominence and elevated height in this location, it would be dominant in the street scene.
7. Both the Council and the appellants make reference to previous refused applications and appeals for detached dwellings on this site. Indeed, the development is described as a resubmission. However, no details of this previous application are before me. A previous appeal¹ was dismissed in 1994 on the grounds of impact on the street scene, and it is understood that a second appeal shortly afterwards was also dismissed by an Inspector on similar grounds (although these details are not before me).
8. Whilst this 1994 decision is clearly many years ago, there seems to be little changes to the built form in this immediate area, and it is notable how the Inspector also referred to the limited boundary distances and dominating of the street scene. The equivalent boundary distances of the Paddocks properties are set out by the appellants. However, whilst No 1 has a comparable set back to the front porch, along with separation distance from its garage to the rear boundary, and No 7 has a comparable set back from Manor Road to its side elevation, the prominent position of the proposed dwelling, the narrow nature of the plot and its overall visual impact upon the street scene are not comparable. Similarly, the outbuildings of The Manor House sited on the boundary with the highway are not comparable given their siting and single storey nature.
9. As set out in the Council's delegated report, the sense of openness to the frontage of The Paddocks would also be reduced by the requirement for some sort of boundary treatment at the frontage of the site to provide some sort of private and secure amenity space.
10. In light of the foregoing, I conclude therefore that the proposal would detract from the existing character of the surrounding area. There would therefore be conflict with Policies S1 and S2 of the Teignbridge Local Plan 2013-33 (adopted 2014) (LP) and Policy BHE1 in the Abbotskerswell Neighbourhood Plan 2016-2033 (Made Version) which seek to ensure that, amongst other criteria, design should be high quality and respond to the characteristics of the site and the surrounding area. These Policies are consistent with the National Planning Policy Framework (paras 127 and 130), which, amongst other matters, requires development to be sympathetic to local character.
11. The Council has also found conflict with LP Policy SA1 which seeks to, among other matters, approve development which accords with the development plan unless material considerations indicate otherwise. As the material considerations would not outweigh the conflict with the identified development plan policies, when considered in the round, there would be conflict with this Policy.

¹ T/APP/P1133/A/94/233209/P2

Other Matters

12. The appellants draw attention to the greater emphasis placed on efficient use of land within the Framework compared to National and Local Policy in the mid 1990's. In addition, the design of the dwelling is raised, along with, amongst other factors, building to plot ratio, alteration to the access position, lack of harm to the Manor House and ownership matters of the site itself. These factors do not outweigh the harm that I have found above and does not alter the conclusions that I have reached on the main issue.
13. The site is outside, but adjacent to, the Abbotskerswell Conservation Area (CA). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification.
14. However, the Council have not raised issue with the impact of the proposed development upon the setting of the adjacent CA, and, given the limited visibility of the dwelling from the CA, I have no reason to disagree.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR