The Planning Inspectorate

Appeal Decision

Site visit made on 20 July 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/P1133/D/20/3254509
22 Humber Lane, Kingsteignton TQ12 3DJ

- 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 Adam Carter against the decision of Teignbridge District Council.
- The application Ref 19/01804/FUL, dated 14 September 2019, was refused by notice dated 30 March 2020.
- The development proposed is children's playhouse with slide and steps for access.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No 21 Humber Lane, with particular regard to outlook and privacy.

Reasons

3. The appeal property is a large detached dwelling with a rear garden levelled through the creation of a decking area. Neighbouring dwellings and gardens are of a similar size. Due to the slope onto which the linear row of dwellings has been built, No 23 Humber Lane sits at a higher level to the appeal property and No 21 sits at a lower level. The garden to No 21 appears to sit approximately 2.5 metres below the garden of the appeal property and they are separated by a substantial boundary of around 1.4 metres in height from the ground level of the appeal site.

4. A children's' playhouse has been constructed adjacent to the fence between the appeal site and No 21. Due to its elevation, steps are needed to access the playhouse. There is a small decked area outside of the playhouse to provide access to it and also to the slide, adjacent to the garden boundary with No 21.

5. Due to the elevated nature of the appeal site and the proximity and raised position of the playhouse adjacent to the dividing boundary, it has a commanding and unmissable presence. Though the pitched roof slopes away from the garden of No 21, the proximity of the playhouse and extent of side elevation that projects above the boundary, still results in it being visually dominating. This effect is not mitigated by the overall size of the playhouse or that the outlook would otherwise be restricted by the high hedge behind it.

6. In respect of overlooking, the window of the playhouse allows oblique views towards the windows of No 21. The decking area permits users to stand at an elevated level and look down with clear views into the neighbouring garden, its conservatory and into rear windows of the house. Whilst the decking area is intended to provide access into the playhouse, it is an area that will be used frequently with comings and goings and to enable use of the slide by a number of small children at any one time.

7. The playhouse may not be an ancillary garden building that will be used by adults, but it is clearly intended to be regularly used during daytimes and early evenings when daylight allows. These instances will also coincide with the use of the adjoining conservatory and garden. The views that it permits over the garden and rear elevation of the neighbouring dwelling are so elevated and clear as to undermine the privacy of occupiers thereof.

8. The appellant has indicated his willingness to construct a trellis screen on the upper parts of the structure to limit views towards the neighbouring property. Due to the open nature of the trellis, its benefit as a privacy screen would be limited. Views would still be attainable through gaps in the trellis and there would still be the perception of being overlooked which would not exist were the structure in an alternative position.

9. In view of this main issue, the proposal is harmful to the living conditions of neighbouring occupiers at No 21 Humber Lane, with particular regard to outlook and privacy, contrary to, in particular, Policies S1 and WE8 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014). These Policies, amongst other things, seek to avoid harmful impacts upon the residential amenity of existing neighbours, in terms of privacy, security, outlook and natural light.

Other Matters

10. I accept that playhouses are common features found within the gardens of many family properties and that they offer health and wellbeing benefits to children. However, in relation to the appeal proposal, I do not consider that the siting of the playhouse in its current position is the only way that these benefits can be achieved.

Conclusion

11. The proposal conflicts with the Development Plan and there are no material considerations, including the lack of objections from neighbouring occupiers, that indicate that a decision should be taken other than in accordance therewith.

12. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR