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## Appeal Decision

Site visit made on 15 July 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2020**

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**Appeal Ref: APP/P1133/D/20/3248273**

**21 Rayners, Kennford EX6 7TP**

- 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 Mark Partridge against the decision of Teignbridge District Council.
  - The application Ref 19/02330/FUL, dated 20 November 2019, was refused by notice dated 16 January 2020.
  - The development proposed is a rear extension, loft conversion and front porch.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.

### Main Issues

3. Although the Council has given a single reason for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify two main issues.
4. The main issues are:
  - The effect of the proposed development on the character and appearance of the area and the host building; and,
  - The effect of the proposed development on the living conditions of nearby residents with particular regard to outlook and privacy.

### Reasons

#### *Character and Appearance*

5. The appeal building is a single storey bungalow located on the northern side of Rayners and set back from the highway. Dwellings within Rayners are predominately single storey bungalows which are uniform in appearance, with some examples of well-proportioned chalet bungalows also being present. The frontage of dwellings within Rayners are relatively consistent in terms of their character and appearance and set back from the highway.

6. On my site visit I observed that many of the dwellings on the northern side of Rayners had been altered and extended to the rear. Where such changes to these dwellings had been made, the resulting extensions and alterations were modest in terms of scale, appearing as subservient additions to the respective host buildings. By reason of the presence of these additions and given that there are examples of bungalows within Rayners which have accommodation within the roof space, the principle of the proposed extension would be acceptable.
7. However, by reason of the scale and mass of the proposed rear extension and resulting significant increase in the overall footprint of the dwelling, in my view the appeal scheme would not appear as a subservient addition but rather would result in an addition which would dominate and, thereby, unbalance the host building. Whilst the materials proposed in the construction of the extension would appear to reflect those used for the host dwelling, the proposal would not complement the existing building in terms of design and would be at odds with the scale of development within Rayners. The appeal scheme would therefore not integrate with the character and appearance of the area.
8. It is acknowledged that views of the proposed extension would not be possible from the highway within Rayners. Nonetheless, the proposed extension would still be visible from the rear amenity areas which serve a number of dwellings on the northern side of Rayners and, given the sloping nature of the site, it would be likely that views of the appeal site from within the wider surrounding area to the north of the appeal site would also be possible.
9. For the above reasons, the proposal would conflict with Policies WE8(a) and S2(a) of the Teignbridge Local Plan 2013-2030 (the Local Plan) which seek to ensure that development integrates with the character and appearance of the area and that the design of extensions complement the existing host building.

#### *Living Conditions*

10. As noted above, the proposed rear extension would be substantial in terms of its scale, mass and depth. The appeal scheme would result in a building which extends into the rear amenity space to a significant degree and, by reason of its mass and proximity to the shared boundaries with 20 and 22 Rayners, the proposal would dominate the outlook from the rear of those neighbouring dwellings. The scheme would result in an overbearing and oppressive effect for the occupiers of 20 and 22 Rayners, not only from the rear amenity space, but also from the windows which serve rooms at the rear of these neighbouring dwellings.
11. In this respect, whilst I find that the proposal would result in unacceptable living conditions for residents of 20 and 22 Rayners with regards to loss of outlook, in my view the proposal would not have a significantly harmful effect on the residents of 19 and 23 Rayners with regards to outlook.
12. However, in terms of the effect of the proposed extension on privacy, I find that the proposal would have a significant impact on occupants of 19, 20, 22 and 23 Rayners. The enlarged dwelling would incorporate a substantial amount of glazing and a Juliet balcony to the rear elevation at first floor level, which would enable users of the room and balcony to look down into the adjacent rear gardens. Given the close proximity to the neighbouring dwellings and due

to the elevated position of the windows and balcony, such overlooking would be unacceptably intrusive of residents of 19, 20, 22 and 23 Rayners.

13. Whilst I am conscious that some overlooking of gardens is to be expected in residential areas such as this, and that there is some very small degree of overlooking between neighbours within the locality, I find that the significant increase in overlooking which would result from the proposal, would be so significant on the occupants of the abovementioned neighbouring properties, as to be unacceptable.
14. In relation to this main issue I therefore conclude that the proposal would have an overbearing and dominating effect on the outlook of occupants at 20 and 22 Rayners. For the above reasons, the appeal scheme would further result in unacceptable levels of overlooking and loss of privacy of occupants of neighbouring properties within Rayners. Consequently, the proposed development would conflict with Policies WE8(c) and S1(f) of the Local Plan which requires that development does not have an unacceptable impact on nearby residents with regards to outlook and privacy. Furthermore, and for the same reasons, the proposal would fail to accord with those parts of the National Planning Policy Framework which seek to ensure that development does not undermine the quality of life for existing and future users with regards to amenity.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the National Planning Policy Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

*A Spencer-Peet*

INSPECTOR