

Appeal Decision

Site visit made on 3 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/P1133/W/20/3253238

Land at Upper Longlands, Dawlish EX7 9DD

- 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 Dodge against the decision of Teignbridge District Council.
 - The application Ref 20/00024/FUL, dated 1 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is described as one house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to outlook and privacy of 8 and 9 Summerland Avenue; and
 - whether the living conditions of future occupiers of the proposed development would be adequate, with particular regard to external amenity space.

Reasons

Character and appearance

3. Situated on a relatively steep hillside, the appeal site is located at the end of Upper Longlands and the rear garden of 8 Summerland Avenue. The section of Upper Longlands nearest the site is characterised by relatively good sized plots which provide a consistent development pattern and spacing between properties. Buildings on the north side of the road are reasonably tall, built above garages and contain roof accommodation. However, on the south side, properties are built down into the hillside, meaning their eaves are generally lower than the road and only their single-storey garages are situated level with it. The properties nearest to the site on Summerland Avenue, set in relatively large plots and containing long rear gardens, are positioned down the hill from the site. Although currently somewhat overgrown, the site provides an open, verdant finish to Upper Longlands and reflects the landscaped gardens it adjoins. It therefore positively contributes to the character and appearance of the locality.

4. Taking up a significant proportion of the relatively constrained plot and extending across much of it, the proposed development would appear as a cramped and incongruous feature in relation to its surroundings. The height and elevated position of the development means that it would be visible in the locality and would read as a prominent and dominating feature, particularly with respect to the properties on the south side of Upper Longlands and on Summerland Avenue. It would therefore neither provide a suitable finish to the cul-de-sac nor an acceptable transition or design solution between the different scale of built form on either side of Upper Longlands.
5. In coming to this view, I have taken account of the fact that the new dwelling, with its traditional design and typical road-facing arrangement, would have a similar scale and appearance and similar features as some surrounding properties, would be partly set down into the hillside, and would be viewed against the backdrop of the retained trees on the rear boundary. Furthermore, the building lines on Upper Longlands and Summerland Avenue and the fact that a house facing on to the end of a cul-de-sac may not be unexpected do not lead me to a different conclusion.
6. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies S1 and S2 of the Teignbridge Local Plan (2013-2033) (TLP). Amongst other aspects, these require development to integrate with the character of the adjoining built environment and to perform well against various criteria including the maintenance or enhancement of the character and appearance of street scenes.

Adjoining occupiers

7. Due to the steeply sloping topography, the proposed dwelling would be sited above the properties and rear gardens of 8 and 9 Summerland Avenue. The degree of separation, at approximately 20 metres, would limit sufficiently the effects of the proposed development from within those properties. However, the proposed dwelling would be located in close proximity to the shared boundaries and rear gardens of Nos 8 and 9.
8. Due to the site's elevated nature and the height and position of the proposed dwelling, the appeal proposal would appear from the rear garden of No 8 to have a substantial form and mass. Standing well above it – as shown in the submitted proposed sections drawings – and given its proximity to the shared boundary, the appeal proposal would therefore be experienced as a dominating feature which would significantly reduce the outlook in the rear garden of No 8.
9. The proposed lower ground floor window on the dwelling's southern elevation would be positioned above the close boarded timber fence that would run along the shared boundary with No 8. Consequently, there would be direct views from the proposed study/bedroom 4 towards No 8, particularly over its rear garden. Serving the master bedroom of the proposed dwelling, the first floor Juliet balcony would face towards the rear garden of No 9 and provide direct views of it. There would also be views of No 9's rear garden from the southern balcony on the upper ground floor given that the proposed elevations show a reduced height of the privacy screen along the balcony's eastern edge.
10. Views from the southern balcony and master bedroom would mainly be over the rear section of No 9's rear garden. However, I observed on my site visit

that that section of garden contained a sitting out area and play equipment, appeared to be well used and provided a relatively private outdoor environment for the occupiers of No 9. Although No 8 does have a front garden, I observed on my site visit that their rear garden is also used and well maintained, and clearly provides the occupiers of No 8 with usable outside space which currently has good outlook and is not particularly overlooked.

11. My attention has been drawn to the potential for overlooking of properties to the south and south-west of the site from the upper ground floor balcony situated on the west elevation. However, such overlooking could be prevented by a planning condition requiring a suitable privacy screen to be provided and retained on the southern edge of that balcony.
12. Notwithstanding this, using planning conditions to secure a higher privacy screen on the eastern elevation of the southern balcony and the obscure glazing of windows serving the master bedroom and study/bedroom 4 would not be reasonable. This is because doing so would, it seems to me, harm the living conditions of future occupiers of the proposed development by unacceptably limiting light and outlook reaching those habitable rooms. I recognise that this is a residential area and, with several dwellings located in relatively close proximity, a certain degree of mutual overlooking would not be unusual. However, in this instance, the extent of the overlooking from the proposed development would be significant and unacceptable.
13. For the above reasons, I conclude that the proposed development would harm the living conditions of adjoining occupiers, with particular regard to outlook and privacy of Nos 8 and 9. I therefore find that it conflicts with TLP Policy S1 with respect to its requirement for development to perform well against, amongst other aspects, the residential amenity of existing dwellings. The proposal would also be inconsistent with the provisions in the Framework relating to providing a high standard of amenity for existing users.

Future occupiers

14. The proposed layouts plan shows two balconies situated on the upper ground floor and a terraced landscaped amenity space with steps down to an area of open garden at the rear of the dwelling. Although these spaces may not be particularly large on their own, their combined area would provide a reasonably sizeable amount of external amenity space which would be sufficient having regard to the size and scale of the proposed dwelling.
15. For the above reasons, I conclude that the living conditions of future occupiers of the proposed development would be adequate, with particular regard to external amenity space. I therefore find that it accords with TLP Policies S1 and S2 in relation to their requirement for development to perform well against various criteria including in relation to the amenity of occupants or users of the proposed development and creating well defined private spaces. The proposal would also be consistent with the provisions in the Framework relating to providing a high standard of amenity for future users.

Other matters

16. The proximity of the appeal site to European designated nature conservation sites of the Exe Estuary and Dawlish Warren means that the development would be likely, in combination with other plans and projects, to have a

significant effect on the internationally important interest features of these areas. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of the designated sites. I note that the Council's Officer Report refers to the appellant having made an upfront Habitat Mitigation Contribution in relation to this matter. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Planning Balance

17. The site is located within the built-up area boundary of Dawlish. It has been put to me that the principle of residential development in this location is acceptable and that TLP Policies S1 and S2 are permissive policies that encourage sustainable development within built-up areas and reference design and quality of development. Be that as it may, those policies require development to perform well against certain criteria and to take account of various objectives, and I have found that the proposed development would conflict with some of the matters listed in them.
18. The proposed development would add to the supply of housing in an accessible location. It would provide an additional, suitably-sized and energy efficient family house on a self-build basis for the appellant and his family to live in. However, given the scale of the development, I am satisfied that the benefits of the appeal proposal would be relatively limited. Accordingly, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.
19. A number of neighbours have raised other concerns in relation to the appeal proposal, such as with regards to construction works, access and the effect of the development on, amongst other aspects, highway safety, trees, wildlife and the living conditions of other nearby residents. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

20. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR