



Appeal Decision

Site visit made on 16 September 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/P1133/W/20/3254431

Fernwood, Road From Fingle Glen To Chapel Cottage, Tedburn St Mary EX6 6AD

- 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 Ian Mingo against the decision of Teignbridge District Council.
 - The application Ref 20/00414/FUL, dated 3 March 2020, was refused by notice dated 29 April 2020.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at Fernwood, Road From Fingle Glen To Chapel Cottage, Tedburn St Mary EX6 6AD in accordance with the terms of the application Ref 20/00414/FUL, dated 3 March 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. At my visit I observed that the dwelling proposed for replacement has been demolished pursuant to planning permission Ref 19/02111/FUL. I assessed the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with regard to the Area of Great Landscape Value (AGLV).

Reasons

4. Fernwood is a replacement dwelling, currently under construction, set in its own grounds within an AGLV to the east of Tedburn St Mary. This part of the AGLV is characterised by a patchwork of woodland and fields, scattered with farm buildings and isolated dwellings of a variety of scales and designs.
5. The appeal proposal seeks to construct a dwelling similar to that already granted planning permission. The notable differences would be the addition of a two-storey porch off the east elevation which would break the eaves, a Juliet balcony and a larger gable with an inset balcony and high glazing on the west elevation, and new openings within the north elevation.
6. The projecting element of the proposed gable would provide a simple and bold definition to its form, evoking agricultural detailing. Glazed gables are not uncommon amongst the dwellings here, indeed the adjacent property 'Bridgend' has similar features. Setting the glazing back into the gable would also reduce its visual effect whilst creating shadow and interest. The Juliet balcony would be a small and unobtrusive feature within the elevation.

7. The porch would maintain the symmetry of the south elevation and its glazing would again be set back to a degree. In my view, it would be a more sophisticated response than the rooflights which would be within the dwelling being built. The new openings would maintain a degree of balance across the north elevation without it appearing unduly cluttered. The overall effect would be a dwelling with a broadly traditional form, but also a restrained contemporary embellishment, ultimately respectful of its rural AGLV setting.
8. I conclude that the proposal would have an acceptable effect on the character and appearance of the area, with regard to the AGLV. It would accord with the design and landscape aims of Policies EN2A and S2 of the Teignbridge Local Plan 2013-2033 (adopted 2014) and the National Planning Policy Framework.

Other Matters

9. I have considered the concerns raised by residents of Bridgend regarding noise and overlooking. Whilst the scheme would increase both of these effects, the distance between the respective properties leads me to the view that the living conditions of the occupants of Bridgend would not be unacceptably affected.

Conditions

10. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. It is necessary to ensure that the finish materials of the building and its landscaping assimilate the scheme into its rural environment. In the interests of ecology, it is necessary to adhere to the recommendations of the previously submitted protected species survey and for external lighting to be managed. In the interests of flood prevention onsite soakaways should be used and comply with BRE Digest 365. Permitted Development Rights should only be removed in exceptional circumstances. Given the prominence of the site within the AGLV and the increased scale of development within it, I consider that those circumstances do apply here.

Conclusion

11. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 190072.MINGO.09PP D, 190072.MINGO.10PP D.
- 3) Prior to their installation, samples of the roofing material and wall cladding shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.
- 4) Prior to first occupation of the dwelling, full details of landscaping works together with an implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscape works shall include retention of any existing trees and hedges; details of the reinforcement of the hedgerow adjacent to the road frontage and the installation of a new hedgerow along the western boundary; finished levels/contours; planting plans/schedules of plants, noting species, plant sizes and proposed numbers/densities. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.
- 5) Prior to the installation of any exterior lighting, details, including design, siting and illumination-type, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved details.
- 6) Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no porches, extensions or roof alterations to the dwelling hereby approved or outbuildings within the curtilage of the dwelling shall be constructed (other than those expressly authorised by this permission).
- 8) The works shall proceed in strict accordance with the precautions and measures described in the Preliminary Ecological Assessment (Bat and Nesting Bird Survey Report) prepared by George Bemment Associates dated 21 October 2019.