



Appeal Decision

Site visit made on 8 September 2020 by Scott Britnell MSc FdA MRTPI

Decision by Kenneth Stone BSc(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/P1133/D/20/3251630

3 Mount Pleasant Road, Dawlish Warren EX7 0NA

- 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 Fey against the decision of Teignbridge District Council.
 - The application Ref 19/02486/FUL, dated 11 December 2019, was refused by notice dated 30 March 2020.
 - The development proposed is described as roof extension/conversion, ground floor extension/s, balcony/terraces to rear.
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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 proposals include a number of extensions and alterations to the appeal dwelling. Having assessed these, I do not consider that the proposed ground floor extensions and terrace would result in harm to the character and appearance of the host property or the surrounding area. Further, the proposed ground floor extensions would not cause harm to the living conditions of the occupants of the neighbouring properties. Moreover, the proposed works to the garage would be acceptable in respect of both. I note that the Council also raise no objections with regard to these issues.
4. The main issues in this appeal therefore are:
 - the effect of the proposed roof extensions on the character and appearance of the host property and the surrounding area; and,
 - the effect of the proposed terrace and first floor balcony on the living conditions of the occupants of No 1 Mount Pleasant Road (no 1) with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

5. The proposals would add a whole floor to the appeal property by raising the ridge height and adding hip to gable end extensions on either end. This would significantly increase the height and scale of the host dwelling and would add substantial bulk and mass. It would result in a dominant and disproportionate addition. Further, the proposed gable elements to the front and rear would add to and exacerbate the undue scale and dominance of the proposals. Moreover, while the proposed dormers would be modestly sized and appropriate in design and form, their presence would add to the overall scale of the proposals. As a result, the proposals would cause unacceptable harm to the character and appearance of the host property.
6. The appeal site comprises a modestly sized detached bungalow located within a group of similarly sized and designed properties. Collectively, these contribute to a cohesive and pleasant streetscene. As a consequence of the form and scale of the proposals, the appeal property would appear as a two storey property. As a result, the proposals would appear anomalous within this context and would disrupt the established rhythm of built development along this stretch of Mount Pleasant Road. The proposals would therefore fail to relate well to their immediate surroundings and would cause unacceptable harm to the character and appearance of the area.
7. In reaching this conclusion, I have had regard to the examples of other properties along Mount Pleasant Road that the appellant has referred me to. However, these sit some distance to the east and do not contribute to the strong sense of uniformity that exists in the area of the appeal site. As a result, these properties are viewed in a different context. Moreover, I have no details of the works carried out at these properties and I am mindful that each case must be considered on its own merits. Consequently, I do not consider that they justify the unacceptable development proposed.
8. The appellant has also referred to a development at a nearby bungalow to create a separate annex. However, no details have been provided to substantiate this point and so I am unable to consider how it might compare with the appeal proposal. Consequently, I afford no weight to this matter in my assessment.
9. The proposal would use cladding on each of its elevations. Although the Council consider that this would be an alien material in the context of the street, I note that they do not object to its use on the proposed works to the garage. Moreover, I observed that there is a mix of materials on buildings along Mount Pleasant Road. These include what appears to be timber cladding on a property on the opposite side of the road not far from the appeal site. While I do not have the planning history of these properties before me, they contribute to the existing street scene. As such, I do not consider that the use of cladding would be harmful in this instance. However, this matter does not outweigh the harm that I have identified above.
10. I conclude that the proposed roof extensions would result in unacceptable harm to the character and appearance of the host property and the area. There would be conflict with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033, Adopted 6th May 2014 (LP). These seek, among other things, to

ensure that developments maintain or enhance the character and appearance of affected street scenes and buildings and that it integrates with the character of the adjoining built environment. With regards to domestic extensions, the design of development should be complementary to the existing building and its scale appropriate to it. The proposals would also conflict with the objectives of Section 12 of the National Planning Policy Framework (the Framework).

11. The Council also refer to Policy S1A of the LP. This sets out the Council's approach to determining applications in respect of applying a presumption in favour of sustainable development. This is a general policy which I do not consider to be directly relevant to my assessment of the appeal proposal.

Living conditions

12. The rear gardens of the properties along this stretch of Mount Pleasant Road are lower than the front and slope down in a southerly direction. This affords views of the surrounding countryside and a degree of mutual overlooking of the rear gardens between properties.
13. I observed that the views available from the existing terrace includes the terrace at the rear of no 1, where there is a high degree of mutual overlooking, and extensive views over the rear gardens of the properties at no's 5 and beyond. The proposed terrace is unlikely to alter this situation significantly and so I do not consider that this element of the proposals would result in harm to the living conditions of the occupants of these dwellings.
14. The proposed first floor balcony would be located directly above the terrace. Due to its elevated position, it would be possible for users of the balcony to look down upon the balcony and rear garden at no 1, from a position where there would be no mutual overlooking between the properties. As a result, the proposed first floor balcony would introduce a new and more invasive threat of overlooking than currently exists from the existing terrace. The resultant loss of privacy would make these areas significantly less pleasant to use and would result in unacceptable harm to the living conditions of the occupants of no 1.
15. I note that the appellant states that had they been advised that the balcony would give rise to an objection from the Council that they would have removed it from the proposals. However, I am only able to consider the proposal before me.
16. I conclude that the proposed first floor balcony would harm the living conditions of the occupants of no 1. There would be conflict with Policies S1 and WE8(c)(iii) of the LP. These seek, among other things, that proposals do not reduce the level of privacy enjoyed by neighbouring properties. There would also be conflict with Paragraph 127f of the Framework which states that development should create places with a high standard of amenity for existing users.
17. The Council also refer to Policy S1A of the LP, which I do not consider to be directly relevant to my assessment of the appeal proposal for the reasons I have already set out.

Other Matters

18. I note that there have been no objections to the proposals. However, the absence of objections is a neutral factor in my assessment of the appeal. The harm that I have identified would arise in the absence of objections.
19. The appellant indicates that he is not satisfied with how the Council considered his planning application and its approach to post-decision discussions. The Council considered the scheme that was put before it as it was reasonable for it to do so. With regards to post-decision discussions, I note from the appellant's statement that these took place but what was suggested was not suitable for their family needs. These matters do not add weight to the appellant's case.

Overall Conclusion and Recommendation

20. The proposed development would result in material harm to the character and appearance of the existing property and surrounding area and the living conditions of the occupants of no.1. Albeit I have indicated that there are elements of the proposal that do not cause harm these are not indivisible from the scheme as a whole. The proposal as a whole is therefore unacceptable. The harm that would be caused would result in conflict with the development plan and I must determine applications in accordance with the development plan unless material considerations indicate otherwise. I have found no such material considerations.
21. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

Kenneth Stone

INSPECTOR