



## Appeal Decision

Site Visit made on 2 February 2021

**by T Gethin BA (Hons), MSc, MRTPI**

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

**Decision date: 4 March 2021**

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**Appeal Ref: APP/P1133/W/20/3261941**

**22 Southdowns Road, Dawlish EX7 0LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Ms Katie Myers against Teignbridge District Council.
  - The application Ref 20/00741/FUL, is dated 11 May 2020.
  - The development proposed is described as proposed alterations and extension at first floor level including raising of roof to create a two storey house.
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### Decision

1. The appeal is allowed and planning permission is granted for raising of roof to facilitate first floor accommodation, single storey and two storey extensions, garage extension, porch, fenestration changes and associated works at 22 Southdowns Road, Dawlish EX7 0LB in accordance with the terms of the application, Ref 20/00741/FUL, dated 11 May 2020, and subject to the conditions set out in the schedule to this decision.

### Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, the appeal form includes different wording which reflects the description used by the Council. I have therefore used this revised description as it better captures the development's scope.

### Background and Main Issues

3. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 20/00741/FUL within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out its concerns with the proposed development and includes the refusal reasons it would have provided had it made a formal decision.
4. Accordingly, I consider the main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to overlooking of 24 and 25 Southdowns Road and 3 Bunting Way.

## Reasons

### *Character and appearance*

5. The appeal site is located in a short dead-end section of Southdowns Road. Although the four properties accessed off that section are either single-storey or chalet/dormer bungalows, the majority of properties in the locality – including those on Southdowns Road and in Bunting Way – contain accommodation over two floors and, while there are several bungalows/chalet bungalows, two-storey buildings predominate. Properties in the surrounding area have a varied appearance, containing a variety of designs and roof forms, and several of the bungalows appear to have been extended and altered, including outwards and upwards via dormer roof extensions for example. Although rendered walls are most common, other materials including cladding are also present in the locality. The surrounding area therefore has a residential character and a somewhat varied appearance. With the two-storey properties visible from the immediate vicinity, the site is experienced within this context rather than from only the cul-de-sac where it is located.
6. The proposed development would result in a notable increase in the height of the existing building. However, the change from a single-storey bungalow to a two-storey house would not appear out of character in relation to the site's context. The other proposed extensions and alterations to the property would neither be particularly significant nor unacceptable in relation to the size of the site and other properties in the surrounding area. The proposed extensions would therefore not be visually intrusive or overly dominant in the public realm, including from the adjacent public footpath. The elevated position of the site in its section of Southdowns Road does not lead me to a different conclusion.
7. The appeal scheme would create a variety of roof forms on the extended building and a mixture of fenestration. However, while this would result in a fairly complicated and busy design, the overall appearance of the property would not be unacceptable given the variety of roof forms and fenestration present in the surrounding area. Similarly, with some cladding present on other properties in the locality, including the adjoining chalet bungalow, the proposed cladding of the upward extension would not, despite its extensive coverage, appear incongruous or set a precedent. The use of roof tiles and the extensive rendered areas – as shown on the proposed elevations – would also ensure the appeal scheme sufficiently integrates with the surrounding built environment. The proposed timber framed construction, which would not be visible once the construction completes, does not lead me to a different conclusion.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033 (TLP). Amongst other aspects, these require development to be of an appropriate scale and with high quality design which is complementary to the existing building, responds to and integrates with the characteristics of the site and the surrounding built environment, supports the creation of attractive places and maintains the character and appearance of the street scene.

### *Living conditions*

9. The first-floor window on the north elevation of the proposed development would face towards 24 and 25 Southdowns Road and provide direct views of

their rear windows and gardens. However, this window could be obscured glazed given that the bedroom it serves would have another larger window. This would prevent overlooking of the rear windows and gardens of Nos 24 and 25 from the proposed first-floor.

10. Given the positions and orientations of the existing building and 3 Bunting Way, the first-floor windows on the west elevation of the proposed development would face towards the field and open countryside to the west rather than towards No 3 and its garden. There would also be sufficient distance between the proposed windows on that side and on the front and rear elevations of the proposed development and other nearby properties, including on the opposite side of the cul-de-sac, elsewhere on Southdowns Road and in Bunting Way.
11. On the ground-floor, the enlarged windows at the rear would face towards Nos 24 and 25. However, boundary fencing provides a good amount of screening between the site and the ground-floor rear windows and gardens of those properties. Although the first-floor rear windows of No 25 are at a similar level to the ground-floor of the site, they are visible above the boundary fencing due to the site's elevated position. However, given the set-back of No 25's first-floor, there would be a good degree of separation between the proposed ground-floor rear windows on the site and the rear first-floor windows at No 25. As this is a residential area with several dwellings located in relatively close proximity, it seems to me that a certain degree of mutual overlooking would also not be unusual, as is currently the case. In coming to this view, I have taken into account the sloping nature of the land.
12. Accordingly, I am satisfied that the proposed development would neither result in a significant change from the existing situation nor introduce an unreasonable level of additional overlooking to adjoining properties. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of adjoining occupiers, with particular regard to overlooking of 24 and 25 Southdowns Road and 3 Bunting Way. Due to the relatively limited scale of the development and the positioning and/or degree of separation to surrounding properties, the appeal scheme, despite the elevated position of the site, would also not result in an unacceptable loss of outlook and light for adjoining occupiers.
13. Consequently, I find that it accords with TLP Policies S1 and WE8. Amongst other aspects, these require development to: not harm the residential amenity of existing dwellings including with regards to the undue loss of outlook or light and reducing the level of privacy enjoyed by neighbouring properties; and not have an overbearing impact on neighbouring properties.
14. Given my findings above, the proposed development would not interfere with the rights – that every natural or legal person is entitled to the peaceful enjoyment of his possessions and that everyone has the right to respect for his private and family life, his home and his correspondence – afforded under Article 1 of the First Protocol and Article 8(1) of the European Convention on Human Rights, as incorporated into domestic law by the Human Rights Act 1998.

## **Conclusion and Conditions**

15. For the above reasons, the appeal is allowed.

16. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition requiring submission of a sample of the proposed cladding is necessary in the interests of the visual amenity of the surrounding area. A condition requiring obscure glazing of some windows is also necessary in order to protect the privacy of adjoining occupiers. However, in addition to the two windows suggested by the Council, the first-floor rear window on the north elevation, as suggested by the appellant, also needs to be obscure glazed in order to prevent overlooking of Nos 24 and 25.

*T Gethin*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Survey plans (Drawing KA/S1); Survey elevations (Drawing KA/S2); Proposed block plan (Drwg KA/P6); Proposed plans (Drawing KA/3); Proposed layout plans (Drawing KA/P3); Proposed elevations (Sheet 1 of 2) (Drawing KA/P4); and Proposed elevations (Sheet 2 of 2) (Drawing KA/P5).
- 3) Prior to its installation, a sample of the horizontal cladding to be used on the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained and maintained.
- 4) Prior to the occupation of the first floor extension hereby approved, the first-floor bathroom and en-suite windows in the eastern elevation and the first-floor bedroom window on the northern elevation of the dwelling shall be fitted with a minimum of level 3 obscured glazing and shall thereafter be permanently retained in that condition.

### **END OF SCHEDULE**