



Appeal Decision

Site Visit made on 5 July 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/P1133/W/21/3271936

63 Old Exeter Street, Chudleigh TQ13 0JX

- 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 S Russ against the decision of Teignbridge District Council.
 - The application Ref 20/01151/FUL, dated 22 June 2020, was refused by notice dated 28 October 2020.
 - The development proposed is construction of two bedroom, two storey home.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two bedroom, two storey home at 63 Old Exeter Street, Chudleigh TQ13 0JX in accordance with the terms of the application, Ref 20/01151/FUL, dated 22 June 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on the local highway network, with regard to parking; the effect on the living conditions of The Old Forge, 73 and 75 Old Exeter Road with regard to daylight and outlook; and the effect on the living conditions of future occupiers of the site with regard to the size of the dwelling and privacy.

Reasons

Highways

3. The site is accessed via a narrow lane that also serves some neighbouring dwellings. The narrow width is such that the manoeuvring of some vehicles along it may be problematic. The Council is concerned that due to limitations on its use, there may be additional parking pressure on streets outside the site, but it is simultaneously concerned about a displacement of parking for No.63 from the site. These concerns cannot be reconciled. As parking for an existing dwelling is said to be displaced, then the arrangement must be suitable to serve a dwelling, including that proposed. Therefore, despite its width, I find that it would be adequate and there would be no material increase in traffic on the access such as could result in additional hazards to those wishing to access neighbouring dwellings.
4. As noted, site presently provides some parking opportunities for No.63. Parking pressures within the older parts of Chudleigh are recognised as an acute problem in Chudleigh's Neighbourhood Development Plan 2019-2033 (NP). NP Policy CHNDP4 requires each new dwelling to provide two off-street parking

spaces. The proposal would not provide sufficient off-street parking space for No.63 and the site.

5. The policy requires that proposals seeking to provide less than the standard require robust justification taking into account the site's accessibility, the type, mix and use of the proposed development and the proximity to, and availability of public transport. The site is located close to the centre of Chudleigh where there are a wide range of services and facilities. I also have evidence of bus connections to other settlements indicating a high degree of accessibility and ability for future residents to rely upon transport methods other than the private car.
6. Moreover, I note that the supporting text to Policy CHNDP4 suggests that it seeks to avoid the existing parking problems being repeated in other parts of the town. The area around the appeal is already heavily parked or parking is restricted. In the absence of objection from the Local Highway Authority, there is, therefore, no clear harm that would arise from any additional parking pressure in the immediate area that may result.
7. With regard to the foregoing, I find that the level of parking is justified by the site's accessibility and there would be no conflict with NP Policy CHNDP4 or Policy S9 of the Teignbridge Local Plan 2013-2033 (LP) that requires appropriate parking to be provided for new housing.

The Old Forge, 73 and 75 Old Exeter Street

8. The dwelling would be sited alongside the garden for the Old Forge. The position of the dwelling, relative to the path of the sun, however, would prevent any significant loss of light to the windows of this neighbouring dwelling, which face out across its garden.
9. The Old Forge garden is surrounded by relatively high fencing, but is otherwise not heavily enclosed by buildings or structures. The proposed dwelling, while close, would be sited slightly off the boundary and the would not extend along its full length. Given the nature of other boundaries to the Old Forge, I find that the proposal would not have an unacceptable overbearing presence upon the garden or dwelling, such that it would harm living conditions.
10. The proposal would also be visible from within Nos. 73 and 75 Old Exeter Street. However, there are few windows in these dwellings facing the site and they are some distance away from the proposed building. Although only small apertures light the internal spaces, given the relative positions and lack of substantive evidence to demonstrate harm, I find that there would be no harm to the outlook or significant loss of light to the internal spaces of these dwellings.
11. There would, therefore, be no conflict with those aims of LP Policy S1 that seek to protect the amenities of neighbouring residents.

Future residents

12. The proposed dwelling would be small, below the recommendations of the Nationally Described Space Standards (NDSS). However, Planning Practice Guidance is clear that the NDSS should only be applied where justified by policies in the development plan and this is not required by LP Policy S1 with which conflict is alleged.

13. The occupiers of No. 75 would be able to look across the proposed garden area. However, the relevant windows are located towards the far end of the garden space and are relatively small. Therefore, while the garden space would not be altogether private, the effect would not be so significant as to provide harmful living conditions and there would be no conflict with those aims of LP S1 that seek to avoid harm to amenity from existing neighbouring land uses.

Other Matters

14. The Council has indicated that there would be no harm to the significance of designated heritage assets and I have no reason to disagree. The character and appearance of the conservation area and settings of nearby listed buildings would, therefore, be preserved. The site is constrained so construction activities could cause disturbance and inconvenience to local residents. However, such would be for a relatively short period of time and, therefore, is of little weight in my decision.

Conditions

15. A plans condition is needed in the interests of certainty. To protect the character and appearance of the area conditions are required to secure details of the external finishes. In the interests of highway safety a condition is required to ensure delivery of the parking facilities. Given the constrained site, it is necessary to remove permitted development rights to protect the living conditions of nearby residents.
16. To ensure that sustainable surface water drainage facilities are provided, a condition is necessary to require the use of soakaways if possible. To protect ecological interests, a Landscape and Ecological Management Plan is required, no external lighting should be installed and the levels of internal lighting should be controlled and directed away from windows and doors.

Conclusion

17. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: D024/20/000; D024/20/001; D024/20/011; D024/20/012; D024/20/013; D024/20/015; D024/20/016; D024/20/017; D024/20/018.
- 3) Prior to any development above DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall

proceed in accordance with the approved materials and thereafter be maintained as such.

- 4) The dwelling hereby permitted shall not be brought into use until the parking area detailed on the approved plans has been completed and this area shall thereafter be retained as such.
- 5) 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 extension, enlargement, improvement or other alteration, including any alteration to the roof of the dwelling, shall be constructed.
- 6) Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.
- 7) No external lighting shall be installed on, or in association with, the new building, except for low-intensity, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any lights should be mounted on the east elevation only, at a height no greater than 1.9m from ground level, directed/cowled downwards and away from the site hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.

All internal lighting shall be designed to have low illuminance output, no UV component, maximum colour temperature of 3000 Kelvin and minimum light wavelength of 550 nanometres. Lighting units shall be directed/cowled away from windows and glazed doors.

- 8) Prior to the commencement of the development hereby permitted, including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of:
 - Tree and Hedge Root Protection Zones to be established before commencement, including site clearance, and maintained until development works are complete;
 - a planting schedule for of the western hedge to enhance its function as a dark corridor for bats, including species mix, spacing, protection and establishment details;
 - the location and design of bird and bat boxes to be erected;
 - an ongoing management scheme for the enhanced hedge, to maintain its value as a dark bat corridor.

Development shall be carried out and thereafter maintained in accordance with the approved LEMP.