



Appeal Decision

Site Visit made on 31 August 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/P1133/D/21/3276279

32 Ashleigh Way, Teignmouth TQ14 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs D & B Kular against the decision of Teignbridge District Council.
 - The application Ref 21/00862/HPA, dated 8 April 2021, was refused by notice dated 20 May 2021.
 - The development proposed is an application for prior approval for enlargement of a dwelling house by construction of an additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted pursuant to Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority for prior approval in relation to a number of matters.
3. These prior approval matters include the impact of the development on the amenity of any neighbouring premises. The occupants of the adjoining bungalow, 34 Ashleigh Way, have objected to the proposal on the basis that it would adversely affect light to their property. However, the Council consider that the proposal would not unduly affect the amenity of the occupants of this neighbouring property. Having visited the adjoining property, and seen the most affected window and examined the relationship to the appeal proposal, I have found no reason to disagree with the Council's judgement on this matter.
4. The Council refused prior approval on the basis that the proposal was not acceptable in terms of the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse. The Council also refer to the element of the prior approval matter that references the side elevation in the reason for refusal, however, as neither side elevation fronts a highway, that aspect is not directly relevant in this case.

5. I have had regard to the Planning Practice Guidance and the National Planning Policy Framework¹ (the Framework) only in so far as they are material considerations relevant to prior approval matters.

Main Issue

6. The main issue is whether the external appearance of the dwelling, including the design and architectural features of the principal elevation, would be acceptable.

Reasons

7. The GPDO establishes the ability for an upward extension of a single storey building with another storey and clearly envisages that in such cases that the resulting building may be higher than the surrounding buildings. However, it seems to me that in each case, where prior approval is required in relation to the external appearance of the dwellinghouse, it will be a matter of judgement as to whether the building's design and/or the effect in terms of the building's relationship with adjoining or nearby properties is acceptable. Consequently, it will not always be sensible or appropriate to consider the external appearance of the building in isolation and the street context may often be an aspect of the building's external appearance that requires consideration.
8. In this case, 32 Ashleigh Way is a detached bungalow with a reasonably shallow sloping roof. It is positioned within a row of bungalows at the entrance to Ashleigh Way off Exeter Road. These single storey buildings are set a little way up the slope and they have a fairly similar ridge height. They form a small group with each building having a reasonably consistent bulk and character. They sit comfortably within the road adjoining each other and they are generally consistent with the character of the rest of Ashleigh Way and other adjoining roads, such as Hazeldown Road, which predominantly consist of detached bungalows.
9. The proposal would raise the roof of the building by about 2.7m and would add a first floor. In areas when entering Ashleigh Way from Exeter Road, in front of the site and around the junction with Hazeldown Road, the raised ridge and two storey appearance of the front elevation would have an imposing presence and would appear out of character with the fairly uniform appearance and scale of the adjoining single storey buildings. The front elevation would clearly be perceived as a two storey house rather than a bungalow and in this way the external appearance would appear at odds with the run of bungalows in this section of the road.
10. In the context of this street scene, the external appearance of the principal elevation of the resulting building would undermine and unduly harm the fairly consistent character and appearance of the adjoining area. I appreciate that there are two storey buildings close to the entrance with Exeter Road and also behind the site there is a group of two storey residential buildings. However, these buildings are not experienced in the immediate street scene context with No 32 and they do not so influence the character of the area that their presence alters my conclusion on the harm that the appeal proposal would cause.

¹ The Framework was revised on 20 July 2021. I sought the views of the main parties on the revised Framework and taken into account any responses received.

11. In the light of the above analysis, I conclude that the external appearance of the principal elevation of the dwelling, in particular the design in the context of this site and the surroundings, would have a harmful impact on the character and appearance of the area. In this respect the scheme would be unacceptable. As a consequence, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

David Wyborn

INSPECTOR