



Appeal Decisions

Site Visit made on 5 July 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

APPEAL A: Appeal Ref: APP/P1133/D/21/3269665

13 Hawkins Drive, Teignmouth, Devon TQ14 8LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class AA.
 - The appeal is made by Mr Darrell Hill against the decision of Teignbridge District Council.
 - The application Ref 21/00137/HPA, dated 16 January 2021, was refused by notice dated 23 February 2021.
 - The development proposed is an additional storey extension.
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APPEAL B: Appeal Ref: APP/P1133/D/21/3274585

13 Hawkins Drive, Teignmouth, Devon TQ14 8LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class AA.
 - The appeal is made by Mr Darrell Hill against the decision of Teignbridge District Council.
 - The application Ref 21/00444/HPA, dated 16 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is an additional storey extension.
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Decisions

1. The appeals are dismissed.

Application for costs

2. An application for costs has been made by Mr Darrell Hill against Teignbridge District Council in respect of Appeal B. That application is the subject of a separate decision.

Preliminary Matters

3. The same application form appears to have been provided in respect of both appeals. Thus, it carries the same application date, which I have used in my heading, although I note that the Council's decision in respect of Appeal B suggests that that application was received on 24 February, which accords with the appeal form. This does not affect my decision on the appeal.
4. The appeals relate to applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior approval is required as to various matters, and that in dispute relates to the external appearance of the dwellinghouse. The two appeal proposals are for

substantially the same development other than the proportions of a front window and the external materials for the proposed first floor.

5. Both applications were refused for the same reasons. The first reason in each case alleges that the proposal is not permitted development because the cladding materials proposed would not be of similar appearance to those used in the construction of the exterior of the existing dwelling. This reason, while stated in respect of the appeal B proposal, cannot apply as the appeal B development proposes render to match the ground floor.
6. In respect of appeal A, while there is no cladding to the front, similar cladding does exist on a dormer to the rear. As the material is already present in the construction of the exterior of the existing dwelling, I see no compelling reason that the choice of materials in itself prevents the proposal being permitted development. Its use and acceptability on the front elevation, however, is to be considered under the prior approval matters.
7. The appellant is concerned that the Council notified more people of the appeal than required to be the legislation. Whether or not the required notification is a minimum or absolute requirement, there is no certainty that notification of the immediate neighbours alone would have prevented representations from other interested parties in any event.

Main Issue

8. The main issue is the effect of the proposed external appearance of the dwellinghouse, including the design and architectural features of its principal elevation.

Reasons

9. Hawkins Drive is a residential cul-de-sac of bungalows. Although there have been various alterations, including some roof accommodation, only rooflights face the road such that a strong single storey appearance remains. The height of development is a clear part of the character of the area and important to the spacious appearance of Hawkins Drive which stands apart as an individual enclave of dwellings, separate to the diverse range of properties around this part of Teignmouth.
10. The dwellings also have a similarity in terms of materials, where predominantly rendered elevations face the roads, with some brick. The use of cladding proposed in the appeal A scheme would be at odds with this prevailing appearance, but that harm would be absent in the appeal B scheme. Balance and symmetry in the fenestration is not a strong characteristic in the area, so neither scheme would result in harm from the glazing arrangements.
11. However, in both schemes, the proposed two-storey external appearance would stand in awkward contrast to the prevailing scale of development. This would be accentuated by the site's position at the head of the cul-de-sac, on rising land.
12. Exercise of this permitted development right would always result in a higher dwelling than the existing, but there is no clear reason in the legislation why assessment of the proposed external appearance should be made in isolation to the site's context. Local context and identity are important matters of design in

the National Planning Policy Framework, to which I must have regard in making my decision.

13. I, therefore, conclude that both appeal proposals, by reason of their height, would result in harm to the local character and appearance, surrounding built environment and sense of place within Hawkins Drive.
14. Prior approval for the external appearance should, therefore, be refused and the appeals are dismissed.

M Bale

INSPECTOR