

Appeal Decision

Site visit made on 23 November 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/P1133/D/21/3278882

14 Clifford Avenue, Kingsteignton TQ12 3NZ

- 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 Mrs Kelly Gribble against the decision of Teignbridge District Council.
 - The application Ref 21/00638/HOU, dated 16 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is first floor rear extension (over existing ground floor extension).
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension (over existing ground floor extension) at 14 Clifford Avenue, Kingsteignton, TQ12 3NZ, in accordance with the terms of the application, Ref 21/00638/HOU, dated 16 March 2021, and subject to the following conditions:
 - 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:
 - Site location plan, scale 1:1250, received 17.03.2021
 - Proposed NE elevation, Ref 2120-06, dated Mar 2021
 - Proposed SW elevation, Ref 2120-05, dated Mar 2021
 - Proposed floor plans, Ref 2120-02A, dated Mar 2021
 - Proposed SE elevation, Ref 2120-04, dated Mar 2021
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the first floor bathroom/en suite window has been fitted with obscured glazing and shall be retained as such thereafter.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No 16 Clifford Avenue, with particular regard to outlook and privacy.

Reasons

3. The appeal dwelling, No 14, is a semi-detached, two storey dwelling under a hipped roof. It is adjoined to No 16, which is a handed version of No 14. The dwellings form part of a linear street which comprises a range of bungalows and two storey dwellings. Both dwellings either side of the appeal dwelling are two storeys in height. No 12 is detached from No 14 and its rear garden is largely separated by the outbuildings belonging to No 14 which extend to the far end of the garden.
4. The appeal proposal seeks to add a first floor extension under a hipped roof above an existing ground floor extension which has a flat roof. The extension would contain another bedroom and an en suite, each with one window in the new rear wall and a separate high-level rooflight.
5. Whilst the Council's reason for refusal does not specify harmful impacts to occupiers of No 12, it is considered within the supporting officer report. In my opinion, due to the intervening distance between the appeal dwelling and No 12, the separation by the elongated outbuildings and other boundary features, the proposal would not harmfully affect the living conditions of occupiers thereof.
6. In respect of No 16, it also has a rear, single storey extension of around the same depth as the rear extension on the appeal dwelling, though they are not attached to one another. Added to that, No 16 has a conservatory projecting rearward from the block built ground floor extension. No 16 has a relatively flat garden with a modest raised terrace at its far end, with an intervening fence of around 1.5m high separating it from the garden of the appeal dwelling. Owing to the position of the proposal above the flat roof extension and the similar rearward projection of the extensions at No 16, I do not consider that the proposal would be overbearing or result in a material loss of light.
7. The extension would project 3 additional metres from the existing rear wall at first floor level so that it would be flush with the rear wall at ground floor level. From within the garden area of No 16, the existing bedroom window of No 14 is visible, and occupiers within the garden of No 16 are likely to be visible from within the bedroom of No 14. Due to the semi-detached nature of the properties, this degree of mutual overlooking is inevitable. The creation of a bedroom window in a position 3 metres closer to the garden of No 16, but of largely the same proportions as that which already exists and with a similar angle of view over the garden, could not be held to be materially harmful to the living conditions of occupiers of No 16 relative to the current situation.
8. There would be a bathroom window in the rear elevation as well, as is the case in the existing rear wall. The existing bathroom window is obscure glazed and a condition could ensure that the new window were also obscure glazed. Whilst an internal layout that included the bathroom and bedroom switched to the opposite sides would have further restricted the angle of views through the transparent glazed window over the garden of No 16, I do not regard the proposal as materially harmful in its proposed form in any event.
9. For the reasons above, the proposal would not be harmful to the living conditions of neighbouring occupiers at No 16 Clifford Avenue, with particular regard to outlook or privacy effects. The proposal would therefore comply with, in particular, Policies S2 and WE8 of the Teignbridge Local Plan 2013 – 2033

(adopted 2014). Amongst other things, these Policies seek to protect the living conditions of neighbouring occupiers and avoid the undue loss of outlook, light or privacy and ensure that new extensions do not have a dominant or overbearing impact on neighbouring properties or the streetscene.

Conditions

10. In addition to the statutory time limit condition, a condition is necessary specifying the plans in the interests of certainty.
11. In the interests of the character and appearance of the area, a condition is necessary to ensure the extension is built in materials to match the existing dwelling.
12. In order to minimise any further mutual overlooking towards the adjoining neighbours and to replicate the existing site conditions, a condition requiring the bathroom window to be obscure glazed is necessary.

Conclusion

13. For the reasons outlined above, the proposal complies with the development plan, when considered as a whole.
14. Consequently, the appeal is allowed.

Hollie Nicholls

INSPECTOR