
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: 1 December 2021

Appeal Ref: APP/P1133/D/21/3279641

65 Higher Coombe Drive, Teignmouth, Devon TQ14 9NL

- 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 R Barton against the decision of Teignbridge District Council.
 - The application Ref 21/01264/HOU, dated 24 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is extended rear patio area and wall/fence and gate to front boundary onto Higher Coombe Drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects of the boundary treatment on the character and appearance of the area and whether it would be prejudicial to highway safety; and
 - the effects of the patio on the living conditions of neighbouring occupiers at No 63 Higher Coombe Drive, with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal dwelling is a detached, two storey, pitched roof dwelling which appears two storey from the front, and three from the back owing to the sloping ground levels. It forms part of a linear arrangement of similarly styled dwellings, many of which have similar positions set back from the highway with a front garden and parking area, and either terraced or sloping rear gardens.
4. The appeal dwelling has been recently extended to the rear and modernised. Its frontage space is now an area of unfinished, flat hardsurfacing enclosed by unrendered blockwork walls of around 850mm in height. What has been built differs to an extent from the proposed plans as there is a greater enclosure of the left-hand side, whereas the plans show a sliding timber gate to be attached to a pier directly on the corner. The piers and timber fence intended to take the boundary to a total of around 2 metres in height have not yet been constructed.
5. Whilst there are a limited number of exceptions, the frontage spaces belonging to dwellings in the area are largely open, with only low-level enclosures or greenery. The boundary treatment proposed would be particularly high relative

to the openness of other frontage spaces, and would also appear particularly solid and unnecessarily dominant. Given this, and the expanse of fencing, down both sides and enclosing the front, I consider that the boundary treatment would be harmful to the character and appearance of the area.

6. In view of the above, the proposal would be harmful to the character and appearance of the area, contrary to, in particular, Policy WE8 of the Teignbridge Local Plan 2013 – 2033 (Local Plan) (2014). Amongst other things, this Policy seeks to ensure that existing dwellings are adapted and improved in a manner that complements the character of existing residential areas and do not have a dominant impact on the streetscene.

Highway safety

7. The appeal dwelling has a car parking area to the front which is useful given my observations about the demand for on-street parking in the area. Higher Coombe Road is also a busy residential street with a footway running alongside the site's frontage and a local shop nearby resulting in a greater degree of footfall than would be typical for such a largely residential area.
8. The provision of a boundary treatment of up to 2 metres in height within close proximity of the highway, including the footway, would inhibit the visibility of drivers emerging from the appeal dwelling. Whilst it would be possible for a small number of cars to be parked and manoeuvred within the appeal site to enter and leave in forward gear, drivers would still be required to 'peep and creep' in order to ensure the footway and road were clear, beyond cars parked on the highway. This differs from the current situation where drivers are positioned sufficiently high enough with visibility uninhibited by the boundary treatment so as to be able to clearly see approaching cars and pedestrians.
9. Thus, the proposal would result in prejudicial effects to highway safety. Whilst the level of harm would be modest relative to the scale of the proposal and number of car movements associated with one dwelling, it would be detrimental considered relative to the current situation in any event. The proposal therefore conflicts with, in particular, Policy S2 of the Local Plan. This Policy seeks to secure a range of outcomes, including the need to secure high quality design that allows for ease of movement and places the needs of pedestrians, cyclists and public transport above those of the motorist and also seeks to promote public safety.

Living conditions of neighbouring occupiers

10. It is clear that there was a patio to the rear of the dwelling prior to the lower ground floor extension having been built and that there would have been a degree of mutual overlooking between the gardens of the appeal dwelling and No 63, given the lower intervening boundary compared to that on the side with No 67. What is less clear from the plans or from my site visit, is whether the patio extended rearward consistently across the site or whether it was staggered, or whether its ground levels were entirely consistent. Following ground works associated with the extension, there appears to be some made ground beyond the patio area. Footings for the proposed patio extension have also been constructed and infilled with excavated material.
11. In my view, given that the garden slopes away further to the east, were the patio extension built to the same finished floor level of the existing patio, it

would form a dominantly high and bulky feature that would permit a much greater degree of overlooking towards the garden of No 63 than is presently the case.

12. In terms of how such overlooking could be mitigated, the overall height of the intervening boundary fence reduces in height with the sloping ground, and thus, if the level of the patio is raised on the side of the appeal dwelling, the fence would need to be increased commensurately in height to offer the same degree of privacy screening that the fence currently affords. Whilst the plans indicate a consistent 1.8 m high fence from patio level on the boundary with No 63 in order to mitigate the impact of the proposal, the increase in height would result in a materially higher fence on the neighbour's side which in itself would form a dominant, unsympathetic and enclosing feature, detracting from the openness of the garden. Whilst a higher, substantial and vegetated boundary fence exists between Nos 65 and No 67, this is a mutually agreeable situation, not directly necessitated by the artificial raising of levels on one side or the other.
13. For the reasons above, the patio extension element of the proposal would be harmful to the living conditions of occupiers of No 63 Higher Coombe Drive considered relative to the current degree of mutual overlooking. It would also therefore conflict with Policy WE8 of the Local Plan that seeks to avoid householder extensions and adaptations from materially reducing the level of privacy enjoyed by neighbouring properties.

Other Matters

14. It has been put to me that elements of the boundary treatment would constitute permitted development under the GPDO¹. As the relationship of the boundary with the highway would determine whether or not it were permitted development, and the elements of the proposal are not severable as such, I am only capable of considering the proposal before me. Whilst I am mindful of the appellant's desire for enhanced security, this does not result in me finding that an alternative decision should be reached.

Conclusion

15. For the reasons set out above, the proposal conflicts with the development plan, when considered as a whole. In the absence of material considerations to indicate that a decision should be taken otherwise than in accordance therewith, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ Town and Country Planning (General Permitted Development Order) 2015 (as amended)