



Appeal Decision

Site visit made on 11 January 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/P1133/D/21/3281839

Poachers Croft, Netherton, Newton Abbot TQ12 4RP

- 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 and Mrs R Jackson against the decision of Teignbridge District Council.
 - The application Ref 20/02058/HOU, dated 4 November 2020, was refused by notice dated 21 June 2021.
 - The development proposed is described as a single storey side/rear extension and loft conversion with new mono pitch roof to replace existing pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submissions in this appeal indicate that the proposed development was amended during the Council's assessment and determination of the planning application, and I shall consider those amendments in the below main issues. Nonetheless, in the interests of consistency, I have included the original description of development to reflect that as provided within the Council's Decision Notice and as stated by the Appellants at Section E of the Appeal Form.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of nearby residents with regards to overlooking and loss of privacy.

Reasons

Character and Appearance

4. The appeal site is located within the settlement, in an elevated position above the adjacent Hiller Lane, and comprises a modest dwelling set within a well-proportioned plot. The site is enclosed to the south, east and northeast by residential development, with traditional cottages and more modern development of varying scales. Undulating and predominately open agricultural fields are located to the west of the site.

5. Policy S22 of the Teignbridge Local Plan (May 2014) (the Local Plan) concerns development in the countryside and provides that, outside of defined settlements, development is to be strictly managed and limited to proposals for, amongst other things; rural workers dwellings, agricultural buildings, leisure and tourist uses, affordable housing and alterations and extensions to existing dwellings. Policy WE8 of the Local Plan specifically concerns extensions, providing that such developments will be permitted where, amongst other matters, the design and materials are complementary to the existing building.
6. There does not appear to be any dispute between the main parties that the site is located outside of the defined settlements included within Policy S22 of the Local Plan. Whilst the Council's submissions in respect of the scale of the proposed alterations and extension are acknowledged, Policy S22 of the Local Plan does not appear to limit proposed extensions to certain dimensions, and, in any event, does provide in principle support for replacement dwellings in the countryside.
7. In terms of its mass and height, the existing dwelling is an unobtrusive feature within the surrounding area. I acknowledge the amendments to the original proposed design to change the proposed flat roof to a pitched roof. Nonetheless, the appeal proposal would significantly alter the character and appearance of the existing dwelling, with increases in height, mass, and bulk. Whilst the appeal dwelling has no particular architectural merit, the proposal would not retain the modest and unobtrusive scale of the existing building which has assimilated into its surroundings and, given the additional bulk and mass above ground floor level and its elevated position, the proposal would be more visually prominent in views from the surrounding area.
8. By reason of its large size and overtly modern and discordant design to include the use of vertical timber cladding at first floor level and the incorporation of large areas of glazing which are not characteristic of the area, the proposal would fail to integrate with the surrounding rural built environment. Whilst I note the Appellants' submissions, in my view the amount and scale of glazed openings would be significantly different to the amount of glazing at the appeal dwelling. Consequently, although I find that the proposal would not be out of scale within its plot and would reflect the heights of the more modern forms of residential development within Netherton, the use of vertical timber cladding and the inclusion of large areas of glazing would result in a conspicuously discordant feature at this location, being harmful to the character and appearance of the surrounding area and its countryside setting.
9. In terms of landscape impacts, I accept that there are examples of large individual detached dwellings nearby and that the proposal would cause no particular harm to the area's landscape features, such as its topography. Nevertheless, due to its unsatisfactory visual impact in relation to the surrounding area, it seems to me that the proposal would not conserve or enhance the qualities, character or distinctiveness of the locality.
10. For the above reasons, the appeal scheme would have an unacceptable impact on the character and appearance of the surrounding area. The proposed development would conflict with Policies S2, WE8 and EN2A of the Local Plan which, together and amongst other matters, seek to ensure that development

integrates with the character of the adjoining built and natural environment, exhibiting design quality using materials appropriate to the area.

Living Conditions

11. The appeal dwelling would be in an elevated position set back from the adjacent Hiller Lane. The appeal property would retain a generously sized amount of external amenity area to the front, and which would separate the proposed dwelling from the adjacent lane. To the east of the appeal site and located on the opposite side of the lane and predominately sited at a lower land level than the appeal property, is a dwelling which has a small number of windows which overlooks Hiller Lane.
12. In respect of the impact of the proposed development on the living conditions for residents at the abovementioned property located east of the site, whilst I acknowledge the Council's concerns, despite the proposed increase in height of the appeal building and inclusion of additional window openings on the eastern elevation, I find that by reason of the separation distance, the substantial change in land levels and the relevant orientation of openings on the respective dwellings, there would be no unacceptable impact with regards to overlooking or loss of privacy.
13. In my view, while new lines of sight would be created, the appeal proposal would not result in a significantly different position with regards to overlooking than that which currently exists. Additional proposed planting would further reduce opportunities for overlooking and loss of privacy for both future residents of the appeal property and for residents at the dwelling located east of the site.
14. For the above reasons, the appeal scheme would not result in unacceptable levels of overlooking or loss of privacy for nearby residents. Consequently, the proposed development would accord with Policy WE8(c) of the Local Plan which, amongst other matters, requires that development does not have an unacceptable impact on nearby residents with regards to outlook and privacy.

Other Matters

15. The Council Officer's report indicates that the site is located within a Landscape Connectivity Zone and is part of a movement corridor used by bats in connection with the South Hams Special Area of Conservation. Whilst it is noted that the Council's Ecology and Biodiversity Officer has raised no objections to the proposal subject to conditions controlling external lighting, I have not found it necessary to examine this matter in greater detail as, for the reasons outlined above in relation to the first main issue, it does not alter my overall conclusion in relation to this appeal.
16. Interested parties raise additional objections to the proposal on the grounds of impact on designated heritage assets and in respect of biodiversity and ecology. These are important matters and I have considered all the submissions before me. However, given my findings in relation to the main issues above, these are not matters that has been critical to my overall decision.

Conclusion

17. The appeal scheme would not have a detrimental effect on the living conditions of residents. However, the proposed development would be harmful to the character and appearance of the surrounding area and would conflict with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR