



Appeal Decision

Site visit made on 8 March 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 28 March 2022

Appeal Ref: APP/P1133/W/21/3285661

19 Abbotswood, Ogwell TQ12 6FT

- 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 Claire Meadows against the decision of Teignbridge District Council.
 - The application Ref 21/01695/HOU, dated 20 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is construction of a single storey rear extension together with a raised decking to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal form confirms that this appeal relates only to the decision identified in the banner heading above, notwithstanding the appellant's reference to the appeal also being against an earlier decision of the Council¹. I have however had regard to the previous proposal in reaching my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of 9 Cleaveland Rise, with particular regard to outlook.

Reasons

4. To the rear of the site is a small stream, the banks of which form something of a shallow V-shape. The appeal property has a rear patio on the side of one bank, and it is proposed to create a decking area and extend out further into the bank, by means of an elevated cantilevered structure.
5. 9 and 10 Cleaveland Rise lie on the other bank. The proposed decking area would extend towards these properties. At my visit, I saw that No 9 has steps down to a rear garden area created at a lower level to that of No 19's terrace opposite.
6. Concerns have been raised about loss of privacy to both properties, from the deck and the proposed single storey extension. From my visit and the evidence before me, I am satisfied that sufficient screening would be provided to ensure that neighbours' privacy is maintained.

¹ Reference 20/01377/HOU

7. However, although lowered from the earlier scheme, I am concerned that its size, higher position and close proximity means that the decking area and its structure would overly dominate the outlook from the rear garden of No 9, to the detriment of the living conditions of its occupants.
8. I recognise that there are trees and shrubbery between the properties, but they provide only limited screening. Despite the Tree Preservation Order, the extent and efficacy of this screening cannot be relied upon in the long term, nor during winter months when foliage is reduced. This does not therefore overcome the harm identified, even accepting that No 9's rear garden area is less likely to be used in winter.
9. The point is made by the appellant that the distance between the properties is not unusual and, were the site flat, permission might not even be required. However, that is not the situation here and the difference in levels between the two sites is an important factor in the harm that I have identified.
10. My attention has been drawn to other decking areas close by, said to set a precedent for the appeal proposal. I cannot be certain as to the planning status of these structures but from what I saw on site, their presence only heightens the need to protect the living conditions of the occupants of no 9. In any case, I have dealt with the proposal before me on its own merits.
11. Therefore, while I am satisfied in respect of neighbours' privacy, I conclude that the proposal's overbearing impact would have a significantly harmful effect on the living conditions of occupiers of 9 Cleaveland Rise, with regard to outlook, contrary to Policies S1, S1A and WE8 of the Adopted Teignbridge Local Plan 2013–2033 (adopted 2014) which together protect neighbours' living conditions and require a high standard of residential amenity, as does the National Planning Policy Framework.

Conclusion

12. For the reasons given above, having considered the development plan as a whole and all material considerations, the appeal should be dismissed.

Oliver Marigold

INSPECTOR