

Appeal Decision

Site visit made on 14 April 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2022

Appeal Ref: APP/P1133/W/21/3286044

47 Woodland Avenue, Teignmouth, TQ14 8UU.

- 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 Mark Annal against the decision of Teignbridge District Council.
 - The application Ref 20/01617/FUL, dated 8 September 2020, was refused by notice dated 27 July 2021
 - The development proposed is the extension of dwelling to form two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of accuracy, the description of the proposed development used in the Council's decision notice has been used in preference to that seen in the original application form.
3. Reference has been made to a Certificate of Lawfulness¹ for a proposed development affecting the appeal property. This is a relevant material consideration to which I attach due weight.
4. Building works were in progress when I visited, in particular, I noted that works on a single storey rear extension were well advanced.

Main issues

5. The main issues are the effects of the development on: (a) the character and appearance of the host property and its surroundings, and (b) the living conditions of the occupants of 45 Woodland Avenue with particular reference to visual impact.

Reasons

Character and appearance

6. The appeal property is what I would describe as a detached chalet bungalow, with a modest dormer feature in its front elevation. It stands within a mature, extensive residential area, built on a hill rising from the sea. Within the residential area as a whole, a variety of house types are evident, but the

¹ Granted on 21 February 2022, Ref 21/0241/CLDP

predominant type of housing in close proximity to the appeal site is bungaloid, and detached.

7. Woodland Avenue splits in the vicinity of the appeal site. Thus, whilst the appeal property's front elevation faces a short stretch of the Avenue, the Avenue returns along one side of the property, so that three of the bungalow's elevations and its roof, front, side and rear, are exposed to view, and are clearly apparent in the public realm, and from nearby dwellings.
8. In his contextual analysis of the locality the appellant describes the evolution of the wider area's built form, provides examples of where plots have been subdivided, and dwellings with similar design features, including gables. However, as previously mentioned, the predominant form of development in the immediate vicinity of the site is detached bungalows, and in my view, the appeal property fits seamlessly into this visual context.
9. The conversion, alterations and extensions would transform the character and appearance of the host property. Two dominant gabled features would be introduced at the front and rear, and the main roofline would be significantly elongated, and increased in height. The resultant building would be perceived from all sides as being of a substantially larger scale, of a far greater massing and bulk. Because of the property's visually exposed location, the greatly increased scale and bulkiness would be widely evident from surrounding vantage points, public and private.
10. The scale of the proposed changes and their nature are such that, to my mind, they would stand out disharmoniously and conspicuously, impinging harmfully on the locality's pleasant visual amenities, to its detriment. The possibilities brought about by utilising permitted development rights are noted, but those would not have such a dramatic and harmful impact as would be brought about by the appeal proposals.
11. In conclusion, I find that the proposed development would harm the character and appearance of the host property and its surroundings. Accordingly, a clear conflict arises with those provisions of policy S2² of the Teignbridge Local Plan (LP), calling for high quality design in new development and for designs to be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area.

Living conditions

12. The appeal property stands next to 45 Woodland Avenue, another detached bungalow. No 45 is set at a lower level than No 47, slightly down the hill. Its' gabled side elevation faces the appeal side. Within this elevation two windows are set. One a ground floor window, the other on the first floor, although this appears from the outside to be a secondary window. Both windows serve habitable rooms, the lower a dining area.
13. Viewed from these windows, and from parts of No 45's garden, the increased bulk, height and mass of No 47, should the appeal proposal succeed, would become very evident. Indeed, the extensions and alterations closest to No 45 would appear dominating and be perceived as oppressive. To my mind the

² Although other policies have been referred to I find this policy to be the most relevant in the context of this main issue.

development would prove to be harmfully unneighbourly in respect of its effects on the occupants of the next-door dwelling by reason of its adverse visual impact.

14. I note the appellant's view that windows currently overlooking No 45 would be removed as a consequence of the development, and that this ranks as a benefit of the scheme. In my view any benefit arising would be wholly outweighed by the adverse visual impact of the proposals upon No 45's residents.
15. I conclude that the proposals would harm the living conditions currently enjoyed by the occupants of 45 Woodland Avenue by reason of its dominating and oppressive effects. Accordingly, a clear conflict arises with the provisions of LP policy S1 which requires new development to perform well in relation to several criteria, including its impact on the residential amenity of existing dwellings.

Other matters

16. I have considered the representations made by several local residents, both for and against the proposals, and I have already dealt with most of the points raised. Some residents expressed concern on aspects relating to highway safety, particularly having regard to the introduction of an additional access point and the proximity to junctions. I have already referred to the road pattern around the appeal site, and I understand the basis for the points raised. However, I note that the Council raise no objection on highway grounds, and having regard to what I saw during my visit, I do not consider that a highway objection is sustainable.
17. I also note the references to national policy, which have been taken into consideration. To my mind, however, the scheme represents a clear example of poor design in its spatial and visual context. The Government attaches considerable importance to design, and the Framework³ advises that '*development that is not well designed should be refused, especially where it fails to reflect local design policies*'. I propose to follow that guidance here.
18. I have taken account of all other matters raised in the representations but none outweighs those considerations which led me to my conclusions.

Final Conclusion

19. For the reasons set out above, the appeal is dismissed.

G Powys Jones

INSPECTOR

³ National Planning Policy Framework 2021 paragraph 134.