



Appeal Decision

Site visit made on 1 June 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/P1133/W/21/3289976

8 Radway Gardens, Bishopsteignton TQ14 9TZ

- 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 Ms Chantelle Henworth against the decision of Teignbridge District Council.
 - The application Ref 21/01748/FUL, dated 29 July 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a dwelling to replace existing garage/workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of the adjoining occupiers with particular regard to any overlooking from the proposed rear balcony, and
 - highway safety with particular regard to persons accessing the proposed dwelling on foot.

Reasons

Character and appearance

3. The site lies within the settlement area of Bishopsteignton. The area is characterised by a mix of mainly residential properties. In the section of the road in the general vicinity of the appeal site, there includes a terrace of properties fronting onto the road with no footway, some older and larger properties set behind gardens and the terrace which includes 8 Radway Gardens.
4. No 8 is a single storey garage-like structure with a front gable. It is located between two dwellings. The other properties in this row have a reasonably typical residential appearance with their front elevations having a fairly traditional pattern of doors and windows facing the road. This terrace makes a generally positive contribution to the street scene.
5. The replacement building would have a profile that would be sympathetic with the form and appearance of the adjoining buildings. However, the reasonably large opening to provide the car port would not be a feature that would complement or be characteristic of the other buildings in this terrace. The

opening would be at odds with the general pattern and arrangement of doors and windows of the adjoining buildings. The inclusion of the car port would result in a design of the front elevation that would appear incongruous to the character and appearance of the terrace within this part of the road.

6. The reason for refusal also cites that harm would arise from the appearance of the proposed rear balcony. The existing rear elevations of this part of the terrace are visible in fairly limited public views including from parts of the rear parking area where they are experienced in the context of the garages in the foreground. The proposed balcony would have a glass balustrade and be seen against the backdrop of the proposed dwelling. Given the overall built context and the existing appearance of this rear area, the balcony would appear as a minor and fairly light weight addition to the rear of the terrace and would not be incompatible with the general surroundings. In these circumstances, the balcony element of the scheme would not harm the character and appearance of the area.
7. Drawing these matters together, I have found that the rear balcony would be acceptable as a design feature, however, I conclude that the provision of the car port would be harmful to the character and appearance of the area. Accordingly for this reason, the proposal would be contrary to Policies S1 and S2 of the Teignbridge Local Plan 2013-2033 (the Local Plan) which seek, in this respect, that development integrates with and, where possible, enhances the character of the adjoining built environment.

Living conditions

8. The dwellings which adjoin the appeal site have rear gardens, some parts of which are located above the garages. There is some degree of mutual intervisibility between gardens and also from the adjoining windows into the garden spaces.
9. The proposed balcony would provide a raised area which would extend across the rear elevation. Notwithstanding the obscure glazed side screen and the position of the balcony in relation to the building at 7 Radway Gardens, the balcony would allow occupants of the proposed dwelling to sit and/or stand and have some clear and direct views down into the gardens of the neighbouring properties. Because those using the balcony would be clearly apparent, elevated and reasonably close by, adjoining occupants would perceive that they were being directly overlooked when using their gardens. The presence of those using the balcony would, for neighbours in their gardens, lead to a greater perception of being overlooked than with the present extent of mutual intervisibility between properties. The effect of the position and size of the balcony in relation to the adjoining properties would lead to an unacceptable level of overlooking into the garden spaces. This would cause undue harm to the living conditions of the adjoining residents.
10. Accordingly, I conclude that the scheme would unacceptably harm the living conditions of the adjoining occupiers, in particular because of the overlooking from the proposed balcony. In these circumstances, the proposal would be contrary to Policy S1 of the Local Plan which seeks, notably, that development performs well against a range of criteria, including the impact on the residential amenity of existing dwellings.

Highway safety

11. The properties either side of the appeal site have a section of footway in front of their front elevations. This allows occupants of those properties to avoid stepping directly from the front door into the road. However, the appeal premises have garage doors extending across most of its frontage and there is no footway in front of the building.
12. The replacement building would extend to the same forward position. Those leaving the proposed dwelling, through the car port, would need to step into the road to leave the site. However, given the likely parked cars in front of 5-7 Radway Gardens, the ability to see approaching vehicles from the reasonably wide entrance of the car port and the nature of the road conditions that would appear to generally slow traffic, pedestrians leaving the site would not be subject to undue risks.
13. For those entering the site, it would be easier if the footway was to extend along the frontage of the appeal site and connect with that in front of Nos 5-7. Nevertheless, I do not consider that there would be highway safety issues if future occupants and other visitors would be required to briefly step into the road before entering the car port and then the dwelling.
14. In the light of the above analysis, I conclude that the scheme would not lead to undue highway safety issues, having particular regard to persons accessing the proposed dwelling on foot. It follows in this respect that the proposed development would accord with Policies S1, S2 and S9 of the Local Plan which, amongst other things, requires consideration regarding the impact of development on the health and safety of occupants.

Other Matters

15. I have carefully considered all the representations from local residents, both for and against the scheme, and those comments of the Parish Council. I have examined the main issues which have been raised in the representations in the analysis above.
16. I also appreciate that the scheme has been amended to seek to overcome the previous refusal and I have determined the proposal based on the information before me and my site visit. I have taken into account in my considerations that the site has physical constraints, that the building appears to be gradually deteriorating and that there would be benefits to the housing stock within the village from the provision of an additional dwelling.
17. I have also noted all the comments of the appellant, and the associated frustration, with the advice and processing of the application by the Council. However, these are not matters for my consideration at this appeal stage and the determination of the proposal on its planning merits.

Conclusion

18. In the ways that I have described above, the scheme would harm the character and appearance of the area and would unacceptably detract from the living conditions of adjoining occupants. These are matters that weigh substantially against the scheme. That the proposal would not adversely affect highway safety is neutral in the overall analysis. The benefits of the scheme while worthwhile, including the replacement of the present, deteriorating structure

with a unit of accommodation, nevertheless would merit limited weight as only a single dwelling would be formed. It follows that the benefits would not outweigh the identified harm.

19. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR