



Appeal Decision

Site visit made on 18 July 2022

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

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/P1133/W/22/3292261

136 Palace Meadow, Chudleigh, Devon TQ13 0PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs P Shotter against Teignbridge District Council.
 - The application Ref 21/01484/HOU, is dated 24 June 2021.
 - The development proposed is a two storey extension to existing house, removal of low bank to front and side of house and retaining wall built along adjacent Local Authority footpath, front garden hard standing extended.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to existing house, removal of low bank to front and side of house and retaining wall built along adjacent Local Authority footpath, front garden hard standing extended at 136 Palace Meadow, Chudleigh, Devon TQ13 0PJ, in accordance with the terms of the application, Ref 21/01484/HOU, dated 24 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. It is noted that during the planning application process, the Appellant submitted revised plans to the Council in respect of the proposed development. Whilst I acknowledge the details provided by the Appellant in this appeal, the circumstances that led to the submission of revised plans and the Appellant's frustration in how the Council handled the application with regards to timescale and communication, such matters fall outside the scope of this appeal. Therefore, the determination of this appeal has not been made on the basis of the original plans submitted with the planning application as requested by the Appellant in their appeal submissions, but rather has been determined on the basis of the submitted revised plans.

Main Issue

3. The Appellant has submitted this appeal against non-determination of the planning application. Following the submission of the appeal against non-determination, Teignbridge District Council (the Council) has identified the reasons the Local Planning Authority would have given to refuse consent. The Appellant has seen these details and has had the opportunity to respond.
4. Whilst it is acknowledged that the Council has, within their statement of case, indicated that it would have given two reasons for refuse consent, having reviewed the evidence and submissions I have considered it appropriate to identify a single main issue.

5. In light of the submissions in this appeal, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal property is located within a residential area and forms one of a pair of semi-detached dwellings, set back from the highway. Access from the highway is from a curved driveway, and a public footpath runs adjacent to the southern boundary of the appeal site.
7. The residential area surrounding the appeal site is predominately characterised by brick or rendered pairs of two storey semi-detached properties, some of which have been extended or altered to the side, and includes garages with pitched roofs to match the roof form of the associated host dwellings.
8. The proposed extension to the side would be two storey in height, set down from the roof ridge height and set back from front elevation of the existing dwelling. The main parties' submissions confirm that the proposed extension would be set back by approximately one metre from the southern boundary which, as noted above, runs adjacent to the public footpath. A small, grassed area to the front would be removed to provide an extension to the existing hardstanding of the driveway.
9. Policy WE8 of the Teignbridge Local Plan 2013-2033 (the Local Plan) concerns domestic extensions and, amongst other matters, provides that such extensions will be permitted where the scale is appropriate to the existing building and would not have a dominant or overbearing impact on neighbouring properties or the street scene.
10. Policy S2 of the Local Plan provides that the design of development will be of high quality, supporting the creation of attractive, vibrant places, integrating with, and where possible enhancing, the character of the adjoining built form. Policy S2 of the Local Plan also requires that development creates clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible and safe and provide a stimulating environment.
11. The proposed extension would use materials that match those exhibited by the host dwelling and would, in terms of scale and mass, reflect other side extensions on dwellings located close to the appeal dwelling. The extension would be positioned set back from the adjacent footpath and would retain the generous open space to the front of the appeal dwelling.
12. In that regard, I find that the proposed materials and design of the proposed scheme would be complimentary to the host building and its surroundings, and would not, in my view, have a dominant or overbearing effect on the surrounding properties nor have an adverse visual effect on the street scene. Whilst the appeal proposal would not necessarily enhance the character of the adjoining built form, it would nonetheless integrate within its surroundings in terms of form, character and appearance.
13. In terms of the effect of the proposal on the adjacent public footpath, as noted above the appeal scheme would retain the open frontage of the property. The footpath connects to different parts of the surrounding residential area and that part of the path which is located between the appeal property and its neighbour

was, at the time of my visit, enclosed on both sides by hedgerow, walls and built form positioned immediately adjoining the footpath.

14. In their statement of case, the Council indicates that the appeal proposal has been assessed on the basis of the submitted revised drawings, but further confirms that those original plans that did not require amendment have been used for the purposes of the Council's statement of case. In that regard, the Council's statement refers to the erection of a fence along the southern boundary of the site adjacent to the abovementioned footpath. However, it appears that the original submitted plan which included a fence in that position also included details of a full width and height extension which was included on the original elevation drawings.
15. A revised drawing for the south elevation appears to have been submitted in relation to the appeal scheme and which shows the step down and set back of the proposed extension as above, and which has revised the form of boundary treatment on that elevation of the appeal building. As such and for the reasons given above this appeal is to be determined based on the revised drawings. In the event that the appeal was allowed, and a plans condition included which referred to the original plan for the erection of a fence at the site, that plan would, in terms of the dimensions of the proposed extension, contradict with the other approved plans for the revised extension. As such, this appeal has been determined on the basis of the revised drawing for the south elevation of the appeal property, and which shows soft landscaping in the form of "foliage or similar" along the southern boundary of the site.
16. In terms of the revised boundary treatment, I saw that the footpath between the properties had the benefit of street lighting and whilst the proposal would further enclose a short section of that footpath, I do not find that it would adversely affect the attractiveness of the path nor would have an adverse impact in terms of safety and, therefore, conclude that the proposal would not discourage use of that path.
17. For the above reasons, I find that the appeal scheme would not have an adverse impact on the character and appearance of the surrounding area and would not result in an overbearing or enclosing effect on users of the adjacent footpath. Consequently, the appeal proposal would not conflict with Policies S2 or WE8 of the Local Plan.

Other Matters

18. As noted above, I acknowledge the Appellant's frustrations with the Council's communication and the way in which it handled the planning application. However, it is also noted that those matters are the subject of a complaint by the Appellant to the Council. As such, and whilst I have considerable sympathy for the Appellant's position, that is a matter that falls outside the scope of this current appeal.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the

appeal scheme should accord. In that regard, as noted above, I have determined this appeal based on the submitted revised drawings.

20. Furthermore, it is necessary and reasonable in the interests of biodiversity and ecology, that a condition is included that requires the development to be carried out in accordance with the recommendations of the submitted ecological survey. However, as sufficient information on materials that would match those on the host dwelling has been provided on the abovementioned plans, the materials condition suggested by the Council in this respect is not necessary.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing number: Amended Block/Site Plan Showing Existing Grass Bank dated 22 June 2021 and Ecology Report by Devon Ecology Ltd dated 12 July 2021 and drawing number: 136.15 Cross Section Retaining Wall received by the Local Planning Authority on 14 July 2021 and drawing numbers: 136.2A West Elevation, 136.4A East Elevation, 136.6A South Elevation, 136.8A Ground Floor Plan and 136.10A First Floor Plan received by the Local Planning Authority on 21 December 2021.
3. The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancements section set out of the Ecology Survey by Devon Ecology Ltd dated 12th July 2021. One bat box shall be installed on the new south facing elevation of the hereby approved extension prior to the first occupation of the development in accordance with the approved details.