



Appeal Decision

Site visit made on 3 January 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2023.

Appeal Ref: APP/P1133/W/22/3303803

33 Moorland View, Newton Abbott, Devon TQ12 4EP

- 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 J Bettany, Pride & Joy Construction Ltd against the decision of Teignbridge District Council.
 - The application Ref 22/00711/FUL, dated 1 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is dwelling with parking facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - the character and appearance of the area.
 - the living conditions of neighbouring occupiers at No 35 Moorland View and No's 17 and 19 Flete Avenue; and,
 - flood risk with particular regard to the disposal of surface water.

Reasons

Character and appearance

3. The site is viewed in association with the general pattern of development on Flete Avenue and its junction with Moorland View that is characterised by a uniformity of terrace properties. These terraces are either set back from the road behind reasonable sized gardens or in a back-to-back arrangement siding onto, but set back from, Flete Avenue. In both cases the terraces follow well defined building lines with the dwellings being of a simple and similar size and design utilising rendering and tiled roofs with a traditional pitch on reasonably sized plots.
4. The proposed dwelling has its longer elevation fronting the road and is set forward of the building line to this side of Flete Avenue. This side of the road is characterised by the narrower end elevations of the terraces set back from the pavement at an angle. As a result of the orientation of the dwelling and position closer to, and parallel with, the pavement, smaller plot size and close relationship with No 33 Moorland View, it would be in stark contrast with the general pattern of development in the area. This contrast would be heightened

by the lower pitched roof, wider footprint, and the use of zinc cladding and slate roof tiles.

5. Although the proposal would benefit from adequate access, car parking provision and amenity space, by reason of the smaller size of the plot in comparison to the wider character of the area, and position of the dwelling close to the pavement, the appeal proposal will appear cramped and an overdevelopment of the rear garden area to No 33 Moorland View.
6. I note the visual impact from the existing garage and gap in the street between No's 33 and 17 Flete Avenue. However, the garage is not highly visible in the street, is partly screened by the boundary fencing and set further back within the site at a lower level compared to the proposed dwelling. In light of this and given that the spaces to the rear of the terraces are characteristic of the area, these matters do not change my findings above. space,
7. For the above reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the area. Accordingly, the proposal would not comply with Policies S1 and S2 of the Teignbridge Local Plan 2013-2033 (LP) which seek to ensure, amongst other things, that development maintains or enhances the character and appearance of settlements and street scenes and is of a high quality design integrating with the built environment.

Living conditions

8. The orientation of the proposed dwelling would result in its side and rear elevations being in close proximity with the side boundary with No 35 Moorland View and the rear boundaries of 17 and 19 Flete Avenue. The appeal site is raised above the rear gardens of No's 17 and 19.
9. Any overbearing impact from the proposed dwelling on the rear garden to No 35 would be limited by reason of its low-pitched roof, distance to the boundary and open aspect to the remainder of the garden. Given the low-pitched roof, distance from the boundary, proposed 1.8m high boundary fencing, and with the majority of any overshadowing from the appeal proposal falling within the appeal site, the proposal would not result in an unacceptable level of overshadowing.
10. However, the close relationship of the proposed dwelling to the rear boundaries with No's 17 and 19, combined with its two-storey height, depth, mass, and level raised above the adjoining gardens, would result in an overbearing impact on, and unneighbourly relationship with, the gardens to these properties.
11. For the above reasons, I conclude that the proposal would have a harmful effect on the living conditions of the neighbouring occupiers at No's 17 and 19 Flete Avenue. Accordingly, the proposal would not comply with Policy S1 of the LP which seeks to ensure, amongst other things, acceptable impacts on the residential amenity of existing dwellings.

Flood risk

12. The comments from South West Water (SWW) state that surface water should not discharge to the public combined sewerage network without clear evidence to demonstrate that it could not be discharged further up the hierarchy of drainage options.

13. Despite the lack of detailed drainage proposals in front of me, the evidence required by SWW could be secured by a suitably worded condition requiring the submission of details of surface water drainage and disposal to the local planning authority prior to the commencement of development.
14. For the above reasons, I conclude that the disposal of surface water would not harm flood risk. As such, the proposal complies with Policy EN4 of the LP that seeks to ensure, amongst other things, the provision of adequate surface water drainage and disposal to prevent pollution of the water environment.

Other Matters

15. I note that the appeal proposal will not result in any overlooking of surrounding properties, is a suitable distance from No 33 and will provide an additional dwelling. However, these matters do not outweigh my findings above.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

C Rose

INSPECTOR