



Appeal Decision

Site visit made on 17 January 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 February 2023

Appeal Ref: APP/P1133/W/22/3298109

77 Dawlish Road, Teignmouth, TQ14 8TQ

- 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 Andrew Helmore against the decision of Teignbridge District Council.
 - The application Ref 21/01420/FUL, dated 15 June 2021, was refused by notice dated 5 November 2021.
 - The development proposed is dwelling and garage in the grounds of existing property including works to access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Included in the appellant's submissions is a visualisation of the front of the proposed dwelling with a different roof option. This seeks to substitute the box dormer that was originally proposed with three separate dormer windows with pitched roofs. However, a complete set of amended plans has not been submitted, which is required if I am to take into account such an amendment. Therefore, I am unable to take the amended drawing into account and must base my assessment of the proposal on the plans originally submitted to the Council.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area,
 - b) whether the proposal would secure acceptable living conditions for future occupiers of the dwelling, and
 - c) whether surface water at the site can be managed in a manner that does not increase flooding elsewhere.

Reasons

Character and appearance

4. The wider area of the appeal site has a mixed character with residential dwellings of different periods and varying plot sizes. However, the character of the area within the immediate context of the appeal site is more consistent. Plots are generously sized with large dwellings set back from the road to either

side of No. 77. This creates a spacious character. These substantial dwellings are viewed at an elevated level behind mature front gardens and well defined roadside boundaries.

5. The proposed dwelling would broadly respect the building line created by these dwellings and is a significant improvement over the layout of the scheme that was previously dismissed at appeal¹. However, it would occupy a position that would be very close to the corner of the existing dwelling. The narrow space between the corner of the two dwellings would be at odds with the wide spacing between the buildings that make up this part of the streetscene.
6. Furthermore, the front of the proposed dwelling would be dominated by a broad flat roofed dormer. The scale of this feature and manner by which it would dominate the road facing roof would be at odds with the roof forms of the adjacent buildings, which are either free of openings or only broken by modest dormers.
7. I appreciate that the proposed dwelling would be set back a long way from the road and has an overall scale that is modest. At my visit to the site and with the aid of the submitted photomontage images I was able to consider this matter carefully. The proposed dwelling would not be highly visible from the road and local area, and I note that the substantial stone wall set back from the road would be retained. However, the proposed dwelling would not be entirely hidden. Its roof would be glimpsed from a few different perspectives and this element of the building would be more prominent in the winter when some of the vegetation is not in leaf.
8. In such views I find that the siting of the proposed dwelling so close to the existing dwelling amongst a row of buildings that are otherwise widely spaced would have a harmful effect on the established character and appearance of the area. This would be exacerbated by the poor appearance of the dwelling's road facing roof, which would compound the impression that the dwelling has been squeezed into a plot that is at odds with the generous plot widths of the adjacent dwellings.
9. The dwelling would be subservient in scale to the existing dwelling. It is suggested that it could be viewed as a garden building. A few existing ancillary buildings exist at the site to the front of the existing dwelling. These are modest in scale and have a clear ancillary appearance. However, although the proposed dwelling would be much smaller than the building that it would sit beside, it would be much bigger than the existing outbuildings and sufficiently sized that it would read as a dwelling.
10. It is suggested that the proposal would deliver various visual enhancements to the site. I give little weight to the removal of the corrugated roof of the outbuilding as this would only be a benefit to the outlook enjoyed by the occupiers of the existing and adjacent dwellings. The existing single garage is well weathered and modest in scale. It does not harm the character and appearance of the area.
11. The use of the existing area fronting the road as a builder's store causes some harm to the character and appearance of the area as a result of various materials stored in a prominent and reasonably open position at the front of

¹ PINS reference: APP/P1133/W/18/3210848

the site. The cessation of this use weighs in favour of the proposal; However, the level of existing harm is limited, and the use of the area would be likely to change with a change in ownership, whereas the harmful impact of the proposed dwelling would be much more significant and permanent in nature. Therefore, this matter does not outweigh my findings on this main issue.

12. In summary, the proposal would have a harmful impact on the character and appearance of the area. It would be contrary to Policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033 (TLP), insofar as they seek to ensure that development proposals are of a high quality of design that maintains or enhances the character and appearance of the area.

Living conditions

13. The proposal includes a small area at the rear of the dwelling that would serve as part of its garden which is marked as a courtyard on the submitted plan. Large openings at the rear would provide access onto this area from the main living room. It is to the west of the dwelling and is therefore likely to be well lit towards the end of the day. It would however be significantly overlooked by the adjacent roof terrace and steps of the existing dwelling. The existing dwelling enjoys very pleasant views from this level over the area of the proposed dwelling towards the sea.
14. The appellant suggests that a screen could be permanently fixed to address this matter. At my visit I considered this carefully and was able to view the effectiveness of such a screen as sections of board were positioned in the proposed location. This would significantly limit the ability of persons at the existing dwelling to look out over the proposed dwelling and in particular its rear courtyard, and would be sufficient to address this matter. As the existing dwelling is within the red line application area it would be possible to secure the provision of such a screen through a suitably worded condition, in the event that the appeal is allowed.
15. At my visit I also observed the potential for some overlooking from the two first floor south facing windows of the existing dwelling. These both serve bedrooms. No mention of this is made in the submissions before me. Both windows allow an elevated view at close range over the area of the proposed dwelling, including its rear courtyard.
16. These two existing windows would mean that users of the proposed courtyard garden would have a limited level of privacy. However, the view from these windows is slightly offset, constrained by their modest width and restricted somewhat by their design. It is therefore not as harmful as an unrestricted, direct and broad view from the terrace, noting that this is an area that occupants of the existing dwelling would use to sit outside and enjoy the pleasant view which is in the direction of the proposed dwelling.
17. The proposed dwelling would benefit from an extensive garden to the front. This area receives a good level of natural light. It would also be directly accessed from the ground floor living rooms by broad sets of opening doors. It is an area that is already highly enclosed and would provide a high standard of private external space for the occupiers of the proposed dwelling. This would be adequate to offset the reduced level of privacy of the rear courtyard as a result of the position of the bedroom windows in the existing dwelling.

18. In summary, the proposal would secure acceptable living conditions for future occupiers of the dwelling. It would accord with Policy S1 of the TLP insofar as it seeks to ensure that proposals secure appropriate privacy, taking into account the impacts from existing development on amenity.

Surface water

19. At the time it made its decision, the Council was of the view that it had not been demonstrated how surface water from the development would be disposed of in a manner that does not increase floodwater elsewhere. An additional statement was submitted at appeal to address this matter, which concludes that there are no surface water constraints to the delivery of the proposed dwelling.
20. The Council has not commented on this submission. With reference to the earlier comments provided by the Council's drainage team, the proposed options have been designed to the site's measured infiltration rate to manage surface water run off from the site up to a 1 in 100 year event including an additional 40% allowance for climate change. If the appeal is allowed any additional requirements can be secured through the condition suggested by the Council, which would need to be discharged before the development commences.
21. On this basis, and without any evidence to the contrary, I am satisfied that surface water at the site can be managed in a manner that does not increase flooding elsewhere. It would accord with Policy EN4 of the TLP, which seeks to ensure that development proposals do not increase flood risk elsewhere.

Other Matters

22. I have found that the proposal would secure acceptable living conditions for the future occupiers of the dwelling and that surface water at the site can be managed in a manner that does not increase flooding elsewhere. These are however neutral matters that do not weigh in favour of the proposal.
23. The appeal site stands to the south of a grade II listed building known as Cambria House. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
24. I note that the Inspector who determined the previous appeal at the site found that the proposal he was considering would have a neutral effect on the setting of the listed building. This was for a dwelling that was larger and positioned close to the road. In contrast, the proposed dwelling subject to this appeal would be less prominent and largely separated from the listed building by the existing dwelling. Taking into account the largely self-contained setting of the listed building I am satisfied that its significance would not be harmed and there would be no conflict with Policy EN5 of the TLP.
25. I note the personal circumstances of the appellant, and his reasons for the proposal. I have considered this in the context of the Human Rights Act and the need to have due regard to the Public Sector Equality Duty. There is however nothing before me to explain the existing housing situation for the various

family members, and how this would be improved by the proposal. I also note that a recently approved extension to the existing dwelling would significantly improve the accommodation offer at the site and can be brought forward without the appeal proposal. For these reasons I give limited weight to the personal circumstances of the appellant and his family and am of the view that they are not sufficient to outweigh the harm I have identified.

26. The proposal would deliver a new dwelling, which would be brought forward on a self build basis. It would secure improved visibility splays at the site, which would benefit the occupiers of the existing dwelling. Whilst these are benefits that carry weight, I am not satisfied that they are sufficient to outweigh the harmful impact of the proposal on the character and appearance of the area.

Conclusion

27. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR