
Appeal Decision

Site visit made on 3 February 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/P1133/D/22/3302830

27 Fluder Heights, Fluder Hill, Kingskerswell TQ12 5JD

- 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 Chris Jones against the decision of Teignbridge District Council.
 - The application Ref 21/02785/HOU, dated 1 December 2021, was refused by notice dated 20 June 2022.
 - The development proposed is roof alterations including loft conversion, new porch, and new detached garage with home office over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There was a request to undertake an access required site visit at the neighbouring property. However, based on the evidence submitted under the appeal in conjunction with what was visible from public land, an unaccompanied site visit was considered to be sufficient.

Main Issues

3. The main issues are the effect of the proposal on the:
 - (a) character and appearance of the area; and
 - (b) living conditions of neighbouring occupiers in relation to overbearing.

Reasons

Character and Appearance

4. The site is located at 27 Fluder Heights, Fluder Hill. The existing dwelling is of appreciable scale and well-proportioned on the plot, with a noticeable degree of openness at its frontage with mature landscape planting. The existing dwelling is of a modern and simple design language and construction with hipped roof.
5. The appellant sets out that the site is within an area where other dwellings exhibit a clear variation in design and scale, and that it is not a site where uniformity should be a constraining factor when considering proposals for new development.

6. However, it is still necessary to consider how the proposal would affect the way in which the existing dwelling is perceived in and of itself. On this basis, whilst I acknowledge the various examples of other decisions and dwellings in the wider area, these have carried limited weight in my assessment.
7. In this context, the proposal would deliver significant additions to the existing dwelling. For all intents and purposes, the loft conversion and loss of hipped roof construction would present as an additional storey, and this would have a marked effect on how the scale of the dwelling is perceived from the street.
8. The numerous accretions to the façade and to the roof form would lead to a much more complicated design language, to the extent that I agree with the Council's assessment that it would appear cluttered in comparison to the relatively simple design of the existing dwelling.
9. Furthermore, the proposal would deliver a garage of significant scale at the existing dwelling's frontage. This would erode the openness of the plot's frontage to a significant extent despite any prospect of landform changes to accommodate it.
10. Whilst landscaping would soften the built form to a degree, it would still be clearly perceptible from the street. In addition, effects at the frontage of the plot would be perceived and endure despite the retention of the large rear garden area.
11. Altogether, whilst each of these factors on their own might not be sufficient to conclude that the proposal would be harmful, the cumulative extent of the various factors means the proposal would harm the character and appearance of the area, and would conflict with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2014.
12. Among other things, these policies seek to ensure existing dwellings can be adapted and improved while complementing the character of existing residential areas and minor developments within residential curtilages such as extensions and outbuildings will be permitted if the design and materials are complementary to the existing building.

Living Conditions of Neighbouring Occupiers

13. The site is directly adjacent to the rear of 1 Fluder Rise, which is at a much higher level and is set an appreciable degree forward of the site in relation to the building line associated with Fluder Hill. Consequently, there is a noticeable separation between the site and the predominance of internal living space and external garden space at 1 Fluder Rise.
14. There is a converted garage to the rear of the main dwelling at 1 Fluder Rise and a small area of rear garden. These are roughly parallel with the dwelling at the site. A habitable room window projects from the converted garage and is broadly level with the existing ridgeline of the hipped roof, which tapers away from the boundary to create an appreciable degree of openness. In this context, neighbouring occupiers would enjoy appreciable degrees of outlook from the window and the small area of rear garden.

15. Whilst the proposal would deliver an altered roof design and encroach on the window of the converted garage and the small rear garden area, I am not persuaded that it is significant when considering all of the factors before me. This is because, the increase in height of the roof would be limited and offset by the change in levels between the site and 1 Fluder Rise. Consequently, the impact on the living conditions of neighbouring occupiers using the converted garage and small rear garden area would be similarly limited.
16. Moreover, because 1 Fluder Rise is set appreciably forward of the main dwelling at the site, the proposal's roof extension would not have any meaningful impact on the predominance of internal living space and external garden space throughout the rest of the property. When taken altogether, the effects on the living conditions of neighbouring occupiers would be limited to the extent that I cannot conclude that they would be overbearing.
17. Overall, the proposal would not harm the living conditions of neighbouring occupiers in relation to overbearing and would not conflict with Policies S1 and WE8 of the Teignbridge Local Plan 2014. Among other things, these policies seek to ensure existing dwellings can be adapted and improved while protecting the living conditions of neighbours.

Other Matters

18. The appellant contends that permitted development rights provide a fallback position. However, there is no lawful development certificate to establish that one exists. Moreover, there is no evidence to demonstrate that the scale and extent of the fallback position would be sufficient to justify the development proposed.
19. Whilst the proposal would facilitate a more convenient living and homeworking arrangement for the appellant, there is no evidence that this is a public benefit of such an extent that would be determinative in the planning balance.
20. I am not persuaded that the existing access arrangement and space for vehicles is constrained to the extent that it would generate personal safety concerns of a nature that would be determinative in the planning balance.
21. The appellant refers to a number of alleged activities involving their neighbours. However, these are private disputes and not relevant to assessing the planning merits of the appeal.
22. The Council's administration of the original application, including the case officer's site visit and determination timescales, are not matters with which I need to engage with under the appeal in order to assess the main issues.

23. The appellant sets out that the proposal is designed for the needs of a 6'2 ft adult male, 5'7 adult female and two young children who are already 2 sizes bigger than those of a similar age. However, there is no evidence that these are protected characteristics that would engage the public sector equality duty to be weighed in the planning balance.

Conclusion

24. Whilst the proposal would be acceptable in relation to the living conditions of neighbouring occupiers, it would still harm the character and appearance of the area and conflict with the development plan as whole. Consequently, the appeal is dismissed.

Liam Page

INSPECTOR