



Appeal Decision

Site visit made on 21 February 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/P1133/D/22/3310339

Sunningdale, Totnes Road, Ipplepen, Newton Abbot, TQ12 5TD

- 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 A Coady against the decision of Teignbridge District Council.
 - The application Ref: 22/00506/HOU dated 5 March 2022, was refused by notice dated 30 August 2022.
 - The development is retrospective change of garage position and roof and proposed sunroom, conservatory and gym.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in March 2019 under the Council's reference 18/02493/FUL for a garage with summer room including raised patio. The development has been partly constructed but not in accordance with the approved plans. The Appellant has listed a number of changes to the approved plans, including, amongst others, a change to the orientation of the ridge line to the garage, and to the built dimensions of the garage; bringing the summer room closer to the boundary and changes to the levels. This scheme before me therefore seeks permission for the development as built, and as proposed to be extended.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposed development on the living conditions of the neighbours in Foredown Road, with particular regard to loss of outlook, and
 - b) The effect of the proposal on the character and appearance of the existing building and of the local area.

Reasons

Issue a) Living Conditions

4. The appeal property is a detached dwelling accessed off a long driveway off Totnes Road and sits on an irregular shaped site. It is surrounded by the rear gardens of residential properties in Totnes Road, Foredown Road and Barn Park Close. It includes a detached outbuilding to the east of the main dwelling and

the garage and partly constructed summer room and raised platform to the north adjoining the rear gardens in Foredown Road.

5. There is a material difference in levels between the lower, rear gardens of the houses in Foredown Road and the appeal site. Whilst I have taken into account the siting of outbuildings and planting in those gardens, I consider that the scale of the development as built and as proposed to be built would present a solid mass of development which would be overbearing and over dominant in views from these rear gardens. Although the conservatory would be glazed along this elevation it would still add to the bulk and massing of continuous development on the appeal site and would have an enclosing effect on the outlook from these neighbouring gardens. Furthermore, and although required to overcome concerns of overlooking and loss of privacy the use of obscure glazing to the conservatory along this elevation would add to the solidness and overbearing nature of this elevation.
6. I have taken into account the concerns raised by surrounding local residents regarding overlooking and loss of privacy. However, I agree with the Council and the Appellant that, were no other matters of concern and planning permission were to be granted, these concerns could be addressed by the imposition of a condition requiring the glazing to the conservatory on the elevation facing towards the rear gardens in Foredown Road to be in obscure glass. However, and as set out above, this would create a more solid form to the development and exacerbate the harm already found to the outlook for residents from these neighbouring gardens.
7. I have considered the effect on the living conditions of the surrounding neighbours with the approved scheme under the Council's ref: 18/02493/FUL, compared with the current proposals. I consider that the increased solid massing of development at a higher level and so close to the boundary would significantly harm the living conditions of the immediate neighbours through loss of outlook and being overbearing.
8. I therefore conclude that the development as built and as proposed would unacceptably harm the living conditions of the surrounding neighbours in Foredown Road, particularly through loss of outlook. This would conflict with Policies S1 and WE8 of the Teignbridge Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular paragraph 130, all of which seek a high standard of amenity for existing and future occupiers.

Issue b) Appearance and Character

9. The appeal property is situated on a large irregular shaped plot with a long private access off Totnes Road. The main dwelling is situated centrally within the main part of the plot with the garage and development as proposed towards the northern boundary, an outbuilding to the east and the main garden area to the south. Given the size of the site and the extent of garden and driveway, I do not consider that the proposal would appear cramped within the plot or the resultant amount of built development would appear as an over development of the site.
10. The siting of this dwelling and its plot size and shape are irregular and the surrounding properties have more regularly shaped plots and follow a more conventional pattern of facing towards the road frontage. Public views of the development as built are primarily glimpses between houses on the

surrounding roads, including along the driveway leading off Totnes Road. These views would not materially alter with the proposed development. Although the existing and proposed development on the appeal site is and would be larger than many, garages and outbuildings are a common feature in residential areas, including in the vicinity of the appeal site. Taking all of these findings together, I am satisfied that the development as undertaken and as proposed would not detract from the character and appearance of the local area.

11. I do not consider that the development as undertaken or the development as proposed does or would harm the character and the appearance of the local area. There would be no conflict with Policies S1, S2 and WE8 of the Local Plan as well as the Framework and in particular Section 12 all of which amongst other matters seek a high quality of design which respects the local context.
12. However, my conclusion on this issue does not override the unacceptable harm I have already concluded under my first issue.

Other Considerations

13. I have sympathy with the family related reasons for seeking the proposed development to improve the living accommodation, but that objective does not override the harm I have concluded from the particular proposal before me.
14. A number of representations from local residents have raised concerns about the use of the property and the objectives of the Appellant, but my decision is solely based on the information before me.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR