



Appeal Decision

Site visit made on 4 April 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/P1133/W/22/3312963

2 Great Furlong, Bishopsteignton, Teignmouth TQ14 9TU

- 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 Philip Urmson against the decision of Teignbridge District Council.
 - The application Ref 21/02823/FUL, dated 7 December 2021, was refused by notice dated 15 July 2022.
 - The development proposed is erection of new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its Decision Notice, the Council refers to 'Policy SC3' of the Bishopsteignton Neighbourhood Plan, adopted October 2017 (NP). However, the policy referred to in the Officer Report and provided to me is numbered BSC3. In their Statement of Case, the appellant has referred to the wording of Policy BCS3. I am therefore satisfied that there would be no prejudice to any party by my considering the proposal against NP Policy BSC3.
3. In its Statement of Case, the Council has referred to the location of the site within the catchment area of the Dawlish Warren Special Area of Conservation (SAC) and the Exe Estuary Special Protection Area (SPA). It has also stated that, in the absence of a Unilateral Undertaking making a financial contribution to mitigate the effect of the proposal on the SAC and SPA, this should form a further reason for refusal. The appellant has commented on this, and I shall consider this matter under Other Matters below.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The site is within an area of modern, low-density dwellings, built on a hillside to take advantage of views of the Teign Valley. Although some properties have vegetation within their front gardens, dwellings here generally have a common architectural theme including open plan frontages. This gives the area a spacious, suburban character.
6. The appeal site forms part of the garden of 2 Great Furlong (No 2) and consists of a sloping grass bank and lawn, turning the corner between two estate roads.

As such, the site is prominent in the street scene from both roads. The site already has a driveway to it and is surrounded by dwellings. It also consists of private, rather than public, open space. Even so, the appeal site has a green and largely undeveloped character that contributes positively to the spaciousness and appearance of the area.

7. The proposal seeks to divide the garden to create a plot of a similar size to others in the estate, and to erect a two-storey detached dwelling within it. The design of the dwelling would match that of No 2, including using external facing materials that would reflect the local vernacular. Although it would be within a narrower plot to the existing dwelling, the proposal would be set back from the plot boundaries, providing sufficient space for landscaping. As such, I consider that the footprint and siting of the proposal would not be particularly cramped, especially given its single storey height at the rear.
8. Nevertheless, the proposal would increase the density of the site. The additional mass and hard built form of the proposed dwelling, together with its boundary treatments and retaining walls, would be appreciable features in the street scene. As a result, the proposal would significantly reduce the attractive green and open appearance of the site and its surroundings. As such, it would erode and diminish the spacious and low-density character of the area.
9. For the reasons given above, the proposal would have a harmful effect on the character and appearance of the area. Policy S1 of the Teignbridge Local Plan (TLP), adopted May 2014, sets out a range of criteria for assessing development, requiring a balancing of the planning issues it refers to. Considering my findings, the proposal would conflict with criteria S1(g), that the character and appearance of the street scene and of open spaces should be maintained.
10. The proposal would not conflict with the other criteria of the policy. However, this absence of conflict is a neutral rather than a positive factor in the planning balance. As such, the proposal would not accord with TLP Policy S1 as a whole. Similarly, the proposal would conflict with TLP Policy S2, which requires proposals to integrate with the character of the environment.
11. The proposal would also not comply with the National Planning Policy Framework, which requires development to be sympathetic to the surrounding built environment. However, being modern, the estate does not have a traditional contextual design and so I find no conflict with NP Policy BSC3.

Other Matters

12. Other development approved nearby has been cited by the appellant as supporting their case. The approved schemes at numbers 12¹ and 40² Great Furlong, and 11 Murley Crescent³, have increased the density of their respective plots. However, being extensions to existing dwellings, their smaller impact on the street scene is not comparable with the proposal. The approved dwelling at Applegarth, Littlefield⁴ is within a part of the village where boundary walls and hedging provide a much more enclosed and built-up appearance than

¹ LPA reference 17/02847/FUL

² LPA reference 20/00384/FUL

³ LPA reference 15/01301/HPA

⁴ LPA reference 20/02223/FUL

the appeal site and its surroundings. As such, I can draw little comparison between these sites and the proposal, and so I give them limited weight.

13. The appellant has suggested that the site could be developed for alternative fallback proposals without requiring planning permission. An example is provided of a single storey building with an elongated length that would cover much of the site. However, the Council contend that such a building would need planning permission, including because of its position relative to the existing dwelling. There is no Certificate of Lawful Development before me, and it is not for me, as part of this s78 appeal, to conclusively determine the lawfulness or otherwise of such structures.
14. In any case, the alternatives are described by the appellant as a demonstration of what can be built, and so are somewhat hypothetical, rather than being firm or realistic proposals. Landscaping of the site could also change its appearance and may also not require consent. However, few details have been provided to me, and any such landscaping may well retain a soft, green appearance to the site. As such, this would not be comparable to the much greater physical effects of the proposal. For these reasons, I give the potential fallback proposals little weight.
15. The proposal would provide an additional two-bedroom dwelling, meeting local needs and making for a more efficient and usable land use. It is within the settlement limit for the village, where small-scale development is supported. The proposal would also be designed to high environmental standards and would provide a habitat for wildlife. It would also have sufficient amenity space and would provide surveillance of the street. The proposal would make a positive economic contribution to the area, as would its occupants both socially and economically.
16. However, these benefits would be limited because of the relatively small size of the proposal, for one unit of accommodation. As a result, these factors do not change my overall findings. I have also noted comments made about the Council's handling of the case, but this has had no bearing on my consideration of the planning merits of the appeal.
17. The SAC and SPA are protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found no harm in respect of the main issue, as competent authority I would have carried out a Habitats Regulations Assessment in respect of the potential effects of the proposal on the SAC and SPA. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Conclusion

18. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR