



Appeal Decision

Site visit made on 5 April 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/P1133/D/23/3315975

Redlands, Deepway Gardens, Exminster, EX6 8BE

- 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 John Gubbin against the decision of Teignbridge District Council.
 - The application Ref. 22/01872/HOU, dated 23 September 2022, was refused by notice dated 20 December 2022.
 - The development proposed is remodelling and extension to include raising of the ridge height and revised roof form, and addition of two storey gable features to front and rear.
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Decision

1. The appeal is allowed and planning permission is granted for remodelling and extension to include raising of the ridge height and revised roof form, and addition of two storey gable features to front and rear at Redlands, Deepway Gardens, Exminster, EX6 8BE, in accordance with the terms of the application Ref. 22/01872/HOU dated 23 September 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building or otherwise be in accordance with those in the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21.137.Site Location Plan; 21.137.GUBBIN.07PP; 21.137.GUBBIN.08PP; 21.137.GUBBIN.09PP.
 - 4) Prior to the development hereby permitted being first occupied, the window on the first floor of the south elevation shall be fitted with a minimum level 3 obscured glazing over the entirety of the window with no clear areas. Any areas of the window that are below 1.7 metres above the finished floor level immediately adjacent to the window shall also be non-openable. The window shall thereafter be permanently retained in that condition.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal proposal seeks to remodel and extend a detached single storey bungalow, with accommodation in the roof, on Deepway Gardens. The road comprises a short cul-de-sac of similar detached properties, as well as some chalet bungalows and some one and a half to two storey properties. As with the host property, the properties are located on the eastern side of the road with the western side comprising a grassed bank that leads to a large arable field. All the properties are set back from the road with their frontages set aside for parking, lawn and planting. Some of the front boundaries are open to the road with others enclosed by low walls and hedging and the properties vary in terms of their style, scale, form and materials, with no uniform character. A number of properties have been extended and altered particularly at roof level, with an example of a modern dwelling, Tregantle, to be found further north of the appeal site.
4. Planning permission already exists to remodel and extend the host property and was granted on 5 September 2002 (ref. 22/01239/HOU). The appeal proposal is identical to that permission other than in relation to the proposed front elevation and gable. Within the appeal scheme the bulk and height of the proposed front gable would increase and include additional pelmet detail and glazing. The Council's Delegated Report states that their assessment of the application focused on those changes, which is reflected in the reason for refusal. I have, therefore, proceeded to determine this appeal on the same basis.
5. The height of the proposed front gable in the appeal scheme would be some 6.8 metres compared to the approved height of some 6.0 metres. The proposed increase in height would result in the ridge of the gable being in line with that of the main roof (as extended), whereas in the approved scheme it would be sited just below the extended main ridge. The proposed increase in the height, of some 0.8 metres, is modest and when viewed from the road would barely be perceptible. Whilst I accept that it would result in the front gable being higher/bulkier than that approved, it would still appear proportional to the host property (as extended) and the proposed changes would not, therefore, be significant or harmful to the streetscene.
6. Moreover, due to the varied character of the road, the gaps that exists between the individual properties and with the example of a gabled extension to Abbots Ann (further to the north) which aligns with the main ridge to that property, the proposed increase in bulk/height of the front gable would not appear overbearing or inappropriate in this location. The acceptability of the proposed change is accentuated by the use of additional pelmet detail and glazing, which reinforces, in my view, the positive contemporary design of the overall scheme. The proposed palette of materials and additional glazing and pelmet detail, together with the increased height/bulk of the new gable, would result in a

development that sits comfortably on the appeal site and would continue to secure a high quality of design.

7. The Council have referred to policies S1, S2 and WE8 of the Teignbridge Local Plan 2013 – 2033 (May 2014) (TLP) and policy EXM3 of the Exminster Neighbourhood Development Plan 2013 – 2033 (March 2015) (NDP). These seek, amongst other requirements, to ensure that new development secures a high standard of design, that it responds to the character and appearance of the site and its surroundings, integrates well with its context, does not result in the overdevelopment of the site and makes the most effective use of the site.
8. Whilst a broadly similar approach is set out in paragraph 130 of the National Planning Policy Framework (July 2021) (Framework) the latter post-dates the adoption of the TLP and NDP and states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings. This is reinforced by paragraph 44 of the National Design Guide (NDG) (January 2021) which states that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today. These policies support the findings I have reached on this issue.
9. Accordingly, I find that the appeal proposal would secure a high quality and innovative design that represents a significant improvement on existing and in doing so would make effective use of the site. As such, the proposal complies, in this respect, with policies S1, S2 and WE8 of the TLP, policy EXM3 of the NDP and the corresponding policies of the Framework and NDG.

Neighbours living conditions

10. The Council contend that the proposed increase in the height/bulk of the proposed front gable, compared to that approved, would lead to an unacceptable overbearing impact on the property to the north, Mareth. I do not agree. As I confirmed earlier, the proposed increase in height of the front gable is modest and this part of the remodelled building would not, I understand, encroach any closer to Mareth than the approved scheme. The proposed gable would continue to be set back from the existing conservatory on the southern side of Mareth and separated from it by a flat roofed single storey extension that projects beyond the main front wall to the host. As such and having observed these relationships on site, I am satisfied that the proposed increase in height/bulk of the new front gable would not have any significant impact on the light and outlook to the side conservatory or to the other windows on the frontage to Mareth.
11. I accept that there would be some impact but given the siting and modest increase in height/bulk of the proposed front gable relative to Mareth, the level of impact would be limited and not harmful. This finding is supported by the Appellant's images of the likely light shadow cast by the proposal. I appreciate that this shows the shadowing effect at one particular time of the year, but it indicates that any impact would largely arise from the increase in the height of the main ridge, which I understand remains the same as that in the approved scheme. There is no substantial evidence before me to challenge any of the

above findings or any other assessment that would lead me to reach a different finding on this issue.

12. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of Mareth and would comply, in this respect, with policies S1, S2 and WE8 of the TLP and paragraph 130 f) of the Framework. These seek, amongst other requirements, to ensure that new development does not significantly harm the amenities of the occupants of neighbouring properties.

Conditions

13. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for the materials to match existing or otherwise be as shown on the Application Form, are necessary and reasonable to secure a high quality development. I have, however, added a list of approved plans for clarity. I also consider a condition requiring the provision of obscure glazing in the first floor window on the south elevation and for this to be non-openable below a certain height, is reasonable and necessary in order to protect the living conditions of neighbouring occupiers.

Conclusion

14. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR