



Appeal Decision

Site visit made on 11 September 2023

By C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/P1133/W/22/3313845

10 Furzedown Road, Kingskerswell, Devon TQ12 5AF

- 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 Gordon Mellor against the decision of Teignbridge District Council.
 - The application Ref 22/01327/FUL, dated 4 July 2022, was refused by notice dated 1 November 2022.
 - The development proposed is described as "creation of a separate dwelling including conversion of existing detached double garage with games room over, two storey side extension, single storey rear extension and associated works".
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Decision

1. The appeal is allowed and planning permission is granted for a development described as "creation of a separate dwelling including conversion of existing detached double garage with games room over, two storey side extension, single storey rear extension and associated works" at 10 Furzedown Road, Kingskerswell, Devon TQ12 5AF, in accordance with the terms of the application, Ref 22/01327/FUL, dated 4 July 2022, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The Council agreed to a revised description of the proposed development in its letter dated 16 August 2022 and determined the application on that basis. Therefore I have used the revised description in the heading above rather than that shown on the application form.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of surrounding occupiers having particular regard to privacy and outlook.

Reasons

Character and appearance

4. Furzedown Road is a small cul-de-sac within an established residential area. There are detached houses on one side of the road which vary in terms of their size, density and architectural style. The other side of Furzedown Road adjoins the rear gardens of pairs of semi-detached houses in Priory Avenue. These properties have a more uniform appearance and are characterised by relatively

spacious gardens. However, the Priory Avenue houses are not especially prominent features of the Furzedown Road street scene as they are mainly obscured behind hedges, fences and other boundary features.

5. The proposed dwelling would be situated at the far end of the cul-de-sac and set back from the road. As such, it would not be easily seen from any part of Furzedown Road apart from within the immediate vicinity of No 10. While the proposed dwelling and its garden would be smaller than many other properties nearby, this would not be easily perceived from public vantage points due to the positioning of the development in the street. Consequently, the dwelling would not appear unduly cramped from Furzedown Road. Although the new dwelling would also be visible from Bushmead Avenue, it would not appear substantially different from this perspective than the existing garage. The overall pattern of development in this area would be maintained.
6. I recognise that the design of the dwelling is influenced by its small size and the need to protect the amenity of surrounding occupiers. Yet while this means that the dwelling bears little resemblance to its near neighbours, architectural styles in the area vary quite considerably. There are semi-detached properties to the north in Priory Avenue, detached houses to the west in Furzedown Road, terraced housing and garages to the east in Bushmead Avenue and more detached and semi-detached housing to the south in Bourne Road. These all vary in size, design and overall density. As proposed dwelling would be nestled amongst this mixed housing in a relatively secluded position, it seems to me that it would not appear unduly contrived or otherwise undermine the prevailing urban grain in this location.
7. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies S1 and S2 of the Teignbridge Local Plan¹. Amongst other things, these policies seek appropriate standards of design.

Living conditions

8. The north-west elevation of the proposed dwelling would face towards some of the dwellings in Bushmead Road at an oblique angle. However, the proposed first floor window serving bedroom 3 would be fitted with louvres which would limit the extent to which the Bushmead Road dwellings could be seen from inside that room. The first floor window serving bedroom 2 would be set back and so views towards the Bushmead Road properties from this window would be largely blocked by the side elevation of the new dwelling.
9. The south-east elevation would be close to the rear gardens of neighbouring properties to the south in Kingston Close and Bourne Road. However, the proposed rooflights in this elevation would not facilitate harmful overlooking of other properties as they would be set relatively high within the rooms they would serve and would be positioned at an angle. Occupiers of the dwelling would not be able to sit and look directly through these rooflights at neighbouring gardens or opposing windows. Besides, the rooflight closest to the south east boundary would serve a small storage area at the top of the stairs which is not a place where future occupiers are likely to linger. The rooflights serving bedroom 2 would not provide the main outlook from that room as a larger window is proposed in the north-west elevation.

¹ Teignbridge Local Plan 2013-2033, adopted 6th May 2014.

10. While the proposed dwelling would be larger than the existing garage building, there would be little change in the overall height. The plans also indicate that there would be a gap maintained between the dwelling and the boundaries of the rear gardens immediately to the south-east. As such, the development would not have an overbearing impact on these gardens. Although some neighbours have raised concerns about the effect of any construction works on their boundary walls, this is a legal matter between the parties which I am not able to address in the current planning appeal.
11. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of surrounding occupiers.

Other matters

12. The Parish Council has expressed concern at the accessibility of the site. Yet while Furzedown Road is narrow and unmade, it is an established residential street. The addition of one modestly sized dwelling is unlikely to generate a significant increase in traffic movements and the proposal makes adequate provision for parking space. Consequently, the development would be unlikely to cause undue access problems.

Conditions

13. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To ensure access remains clear, there is a condition requiring the parking area to be completed before the dwelling is occupied. A condition has also been imposed to ensure the retention of the louvres in the first floor windows serving bedroom 3. In the interests of nature conservation, there is a condition requiring compliance with the submitted bat and bird survey. There is also a condition requiring details of surface water drainage.
14. I have not imposed a condition requiring the rooflights to be obscure glazed. For the reasons outlined above, the rooflights would not facilitate harmful overlooking. While I have not withdrawn all the permitted development rights suggested by the Council, I have nonetheless imposed a condition to prevent the installation of additional windows in the south-east and north-west elevations of the proposed dwelling. Given the form of the proposed dwelling and its proximity to other housing, it seems to me that even minor changes to the fenestration at first floor level have potential to undermine the living conditions of surrounding occupiers. However, it is not necessary to remove all permitted development rights in order to achieve this.

Conclusion

15. For the above reasons, the appeal is allowed.

C Cresswell

INSPECTOR

(Schedule of conditions attached)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Block Plan 2-106_L_01.02 Rev A, Proposed Garage Plan and Elevations 2-1016_L_02.06 Rev C.
- 3) The works hereby approved shall proceed in accordance with the mitigation and enhancement measures described in the Bat & Nesting Bird Survey (by Butler Ecology, dated 26 July 2022).
- 4) Further details of the surface water drainage scheme shall be submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be installed according to the approved details prior to the occupation of the dwelling hereby permitted and thereafter retained in perpetuity.
- 5) Further details of the louvres on the proposed first floor bedroom window shown on plan 2-1016_L_02.06 Rev C shall be submitted and agreed in writing by the Local Planning Authority. The approved louvres shall be installed according to the approved details prior to the occupation of the dwelling hereby permitted and thereafter retained in perpetuity.
- 6) The dwelling hereby approved shall not be brought into use until the parking area detailed on the approved plans has been completed and this area shall thereafter be retained for the life of the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no windows, other than those expressly authorised by this permission, shall be installed in the south east and north west elevations of the dwelling hereby permitted.