



Appeal Decision

Site visit made on 12 September 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal Ref: APP/P1133/D/23/3322570

14 Kits Close, Chudleigh, Devon TQ13 0LG

- 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 Miss Sharon Young against the decision of Teignbridge District Council.
- The application Ref 22/01044/HOU, dated 27 May 2022, was refused by notice dated 22 March 2023.
- The development proposed is a proposed side extension on ground floor, loft conversion and new cellar conversion.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above I have taken the description of the development from the Council's decision notice and the appellant's appeal form as this more concisely reflects the development proposed.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the host property and its surroundings; and
 - The effect of the development on the living conditions of neighbouring occupiers on Millstream Meadow, with particular regard to privacy.

Reasons

Character and appearance

4. Kits Close is a residential cul-de-sac located on the sloping south-eastern flank of the town. It is made up of bungalows, the majority with an attached single-storey garage. A number of properties on the Close have undertaken a variety of extensions and alterations. However, the core form and character of the bungalows remains consistent, with a simple repeating pattern of modest pitched roofs and repeated single gables facing the road.
5. 14 Kits Close is a consistent part of this street scene, with largely unaltered elevations and an attached garage in line with its neighbours. The proposed side extension would increase the height of the garage element to a level in line with the main ridge line of the bungalow. The extension's height, large sloping roof, and elevated dormer would make it a dominant addition, eroding

the modest character of the property, and interrupting the consistency of the street scene. Despite the use of matching materials, the side extension would be an unduly prominent and incongruous feature in this largely uniform street scene.

6. I note the appellant's reference to a similar extension at 7 Kits Close. Whilst an extension has been carried out above the garage of this property, both the ridge line of the extension and the associated roof dormer at No 7 are markedly below the existing ridge line of the bungalow. This has the effect of preserving the primacy of the main building, retaining its character, and maintaining the contribution the plot makes to the street scene.
7. Whilst the rear elevation of the appeal property is not widely visible in the public realm, there would be intervisibility between the proposed rear elevation and properties to either side, along with some visibility of the upper extents of the development from properties on Millstream Meadow. During my site visit, I was able to see that properties elsewhere on the close have undertaken rear elevation alterations, including introducing enlarged windows and balcony features. However, the form of the bungalows and their original elevations are still readily apparent, and the character of the cul-de-sac, as viewed from the rear, remains a modest row of bungalows.
8. The proposed balcony feature and horizontal glazing at the ground floor and cellar levels would be broadly in keeping with their surroundings. However, the proposed glazed gable in the rear elevation of the loft conversion would dominate the upper area of the bungalow, significantly altering its appearance, and introducing an uncharacteristic feature that would be out of keeping with the surrounding area. Moreover, when seen alongside the extensive cellar and ground floor glazing, the significant glazed height of the elevation would result in the perception of a considerably larger dwelling, markedly departing from the original form and appearance of the bungalow.
9. I therefore consider that the proposed development would result in harm to the character and appearance of the property and the surrounding area. This would conflict with Policies S1, S2 and WE8 of the Teignbridge Local Plan (the Local Plan). Taken together, these policies require development proposals to, amongst other criteria, maintain or enhance the character and appearance of settlements, street scenes, and buildings; and that extensions should complement host dwellings through their design, scale, and materials. In particular, S2 requires that designs are specific to the place, and are based on a clear process that responds to the characteristics of the site, its wider context and the surrounding area.

Living conditions

10. The appeal property and its neighbours on Kits Close are positioned substantially above properties on Millstream Meadow, following the sloping topography of the town. Although I did not visit the rear gardens of properties on Millstream Meadow during my site visit, I was able to stand at various elevated positions within the appeal property and look out towards these houses. I noted that there were no direct views into the private gardens of the properties below, and I was not able to discern any clear views of windows in their elevations. In addition, intervening fences, garden features and both evergreen and deciduous vegetation, significantly restrict views downwards from the site.

11. Within a built-up residential area, some overlooking between properties on such differing ground levels is to be expected, and the existing arrangement of windows at the appeal site, along with its previous balcony, has established a degree of overlooking, primarily allowing views to rooflights of properties on Millstream Meadow. I also note that adjacent properties on Kits Close include a number of features such as balconies, elevated terraces, and large windows that have a similar outlook.
12. The proposed first floor gable glazing would introduce the potential for an increased level of overlooking from a higher position within the appeal property. However, the submitted plans show that the space adjacent to these windows would be a void, and that there would be no accessible location at the face of the elevation from which to look down towards properties on Millstream Meadow. Consequently, whilst there may be a perceived loss of privacy, I do not consider that the proposed first floor windows, with the floor plans as shown, would result in a worsening of the levels of privacy experienced by occupiers at Millstream Meadow.
13. Accordingly, I conclude that the proposed development would not result in undue harm to the living conditions of neighbouring occupiers on Millstream Meadow with regard to privacy. The proposed development would therefore accord with Policies S1 and WE8 of the Local Plan where they require that development does not adversely impact on the residential amenity of existing dwellings, or reduce the level of privacy enjoyed by neighbouring properties.

Other Matters

14. The property is located within a Sustenance Zone for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation, which is designated under the Conservation of Habitats and Species Regulations 2017 to protect habitats and to ensure the favourable conservation status of its population of greater horseshoe bats. The Council considers that there is unlikely to be a likely significant effect on the integrity of the protected site from the proposed development, and I see no reason to disagree. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

15. I have found that the proposals would result in unacceptable harm to the character and appearance of the host property and the surrounding area, in conflict with the development plan when read as a whole. Whilst I have not found undue harm to neighbouring living conditions, this is a neutral factor in the planning balance. As there are no material considerations that indicate a decision otherwise than in accordance with the development plan, I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR