

Appeal Decision

Site visit made on 19 December 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.01.2024

Appeal Ref: APP/P1133/D/23/3331143

21 Dagmar Street, Shaldon, Teignmouth TQ14 0DU

- 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 J Hollely against the decision of Teignbridge District Council.
 - The application, Ref. 23/01285/HOU, dated 10 July 2023 was refused by notice dated 4 October 2023.
 - The development proposed is retrospective application for the retention and completion of a first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension at 21 Dagmar Street, Shaldon, Teignmouth in accordance with the terms of the application, Ref. 23/01285/HOU, dated 10 July 2023 and subject to the condition that the bedroom window in the rear elevation opposite Nos. 3 & 5 Fore Street shall be obscure glazed and in part fixed shut in accordance with details first agreed in writing with the Local Planning Authority. The window shall thereafter be permanently retained in that form.

Preliminary Matter

2. The application refers to the 'retention and completion' of the extension. However, as 'retention' is not development under planning legislation and the development has now been completed I consider that the appeal application is more appropriately described as simply 'a rear first floor extension'.

Main Issues

3. The main issues are (i) the effect of the development on the setting of existing designated heritage assets in the form of the Grade II listed buildings Nos. 3 and 5 Fore Street and on the character and appearance of the Shaldon Conservation Area, and (ii) the effect on the living conditions for the occupiers of Nos. 3 and 5 Fore Street as regards privacy.

Reasons

4. On the first issue, the Council considers that the first floor extension does not sit comfortably with its surroundings. In particular, the difference in height with the extension to No. 23 Dagmar Street is considered to be jarring and the view from the listed buildings is cluttered.
-

5. However, I saw on my visit that this part of Shaldon has a tight knit urban grain with an irregular spatial pattern, characteristic of the organic growth typical of older and traditional settlements. The Ordnance Survey Block Plan (Figure 1 in the Grounds of Appeal) clearly illustrates the different sizes and shapes of property curtilages, the mix of uses and the ostensibly 'awkward' relationships between the buildings that as regards built form are all part and parcel of the character and appearance of the area. Furthermore, in the view from the first floor window of No. 3 Fore Street I was able to observe the miscellany of roof forms with a wide range of designs, pitches and heights.
6. Given this context, I see no problem with the higher ridge of the appeal development compared to that of the extension to the adjoining No. 21. This difference is consistent with the variety to which I refer above and sits more comfortably against the much larger roof of the adjoining Conservative Club building than would a ridge at the same height as that of No. 23, even in the unlikely event that this would be technically feasible. I additionally consider the design of the window to be appropriate and its size proportionate to the rear wall.
7. On this issue I therefore conclude that no harm has been caused either to the setting of Nos. 3 and 5 Fore Street or to the character and appearance of the conservation area. Accordingly there would be no conflict with Policies S2 and EN5 of the Teignbridge Local Plan 2013-2033 adopted in 2014 ('The Local Plan') or with Government policy on conserving and enhancing the historic environment in Section 16 of the National Planning Policy Framework 2023 ('the Framework').
8. On the second issue, it is axiomatic from my observation of the historic development pattern in relation to the Council's heritage objection that there will be overlooking of the nearby rear gardens from the first floor windows of the properties. This particularly occurs when the buildings adjoin one another (for example Nos 3 and 5 Fore Street). However, in a tightly knit development pattern, as is the case here, it is also inevitable that privacy will be limited where the facing rear elevations are relatively close.
9. In the appeal scheme, the bedroom window would be set back a further 2.3m from Nos. 3 & 5 Fore Street than the window at No. 23 and the overlooking can be mitigated by a condition requiring the window to be fixed shut below 1.7m above the bedroom floor. I acknowledge the Council's view that obscure glazing to a bedroom window is not ideal for the occupiers of the dwelling. However, in a situation where the development is to provide family accommodation in a small dwelling on a heavily constrained site I consider it a reasonable compromise.
10. On this issue, I conclude on balance that the development would not unacceptably harm the living conditions of Nos. 3 and 5 Fore Street as regards privacy in conflict with Local Plan Policies S1, S2 & WE8 and paragraph 135f) of the Framework. In reaching this conclusion I have had regard to the objections of the occupiers of No. 5 Fore Street. However, on balance I consider that provided the heritage assets are safeguarded there needs to be a flexibility of approach and recognition that a similarity with the prevailing standards in an historic area as opposed to modern day requirements may often be appropriate.

11. For the reasons explained the appeal is allowed. In granting permission I have imposed the aforementioned condition regarding obscure glazing of the rear window. Normally in the interests of certainty and proper planning I would also impose a condition requiring the submitted plans to be consistent with the development as built. However, whilst the Council has commented on some inconsistency between the submitted plans and the extension as built, it has not refused permission on the basis of this being unacceptable. Given these circumstances I consider it expedient not to impose this condition.

Martin Andrews

INSPECTOR