

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: 26.01.2024

Appeal Ref: APP/P1133/W/23/3319221

Land adjacent to 5 Gothic Road, Newton Abbot, Devon TQ12 1LG

- 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 Gerald Trankle, Hannon Homes Limited, against the decision of Teignbridge District Council.
 - The application, Ref. 22/00525/FUL, dated 9 March 2022 was refused by notice dated 8 March 2023.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey dwelling on Land adjacent to 5 Gothic Road, Newton Abbot in accordance with the terms of the application, Ref. 22/00525/FUL, dated 9 March 2022 and subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed dwelling on the setting of designated heritage assets in the form of the adjacent Newton Abbot Wolborough Street Conservation Area and nearby Grade II Listed Buildings, and (ii) the effect on the living conditions for nearby occupiers as regards outlook.

Reasons

Issue (i): Heritage Considerations

3. On the first issue, the appeal site is a small plateau of land on sloping ground at the end of the western arm of Gothic Road, a cul-de-sac off Jubilee Road in a residential area of Newton Abbot. The site lies outside of, but adjoining, the boundary of the Conservation Area, whilst close by on lower land to the north and northeast are listed buildings in Wolborough Street (including in particular Blanche House at No. 89). At a slightly greater distance to the west are the listed Mackrells Almshouses, also in Wolborough Street
 4. The Council considers that by reason of a combination of its design and proximity including elevated position, the appeal dwelling would erode the setting of the Conservation Area; Blanche House, and the Almshouses. As regards the latter, I saw that these are some distance to the west of the appeal site and with mature planting in their grounds it was not possible to see most of their flank gable from the appeal site, only parts of the roof and chimneys.
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5. As my visit was carried out in winter it is reasonable to assume that this screening would be even more effective in the other seasons. And this factor, together with the lateral distance and the presence of the nearby buildings in Wolborough Street, there is no position in the public domain where the Almshouses would clearly 'read' with the proposed dwelling.
6. In assessing the proposed dwelling's impact on the setting of Blanche House, I must firstly have regard to the existing appearance and use of the appeal site. This is for eight parking spaces, formally approved by a Certificate of Lawful Use in 2017 after many years in this use. The land has a part tarmac and part gravel surface with a boundary of metal railings and with the access ramp and flat areas of land created from the original slope by retaining walls of concrete and concrete blockwork. When combined with its poor condition and overgrown, untidy, somewhat derelict condition the land has a negative impact on its surroundings, including the setting of Blanche House at its lower level in Wolborough Street.
7. At the time of my visit there was only a single vehicle on the land, but I am in little doubt when in use for the parking of half a dozen or more cars the appearance of the site, whilst different, is also one that detracts from the character and appearance of the area and the setting of Blanche House. And bearing this in mind I support the appellant's view that provided the design, scale and detailing of the new dwelling is appropriate for the site and its context, the impact would be one of enhancement of the setting of Blanche House rather than its 'erosion' as alleged in the Council's refusal.
8. In this context, the grounds of appeal explain that a withdrawn application ref. 18/01035/FUL sought to address the objections to three earlier proposals for two-storey properties. The Council's conservation officer made some comments on that application for a single storey dwelling and the current appeal scheme has sought to take them into account, in particular as regards a reduction in height and design detailing with external materials in keeping with the conservation area.
9. Moreover, because of the predominantly terraced housing in Wolborough Street the only views towards the appeal site are through the gap between Blanche House and its neighbour to the west No. 91A, and the larger break in the street scene between No. 91 and the first of the Almshouses. In both views the eye is drawn to the two storey houses in Gothic Road at its higher level.
10. However, from careful scrutiny of the application plans I am satisfied this prominence will not be the case with this modestly sized single storey dwelling. On the contrary, the orientation, low profile, limited scale, external materials, lower position, and site boundaries of the proposed dwelling are such that the building will blend with the slope of the land and comprise a benign presence within the existing urban grain of this part of Newton Abbott.
11. I have noted the comments regarding the diminution of the historic curtilage of Blanche House, but find the appellant's evidence that this was severed in the mid C20th to accommodate No. 91 and two apartments at 91A to be credible. As regards the appeal site itself, this has been separated from the curtilage and used for parking for several decades, whilst Blanche House was converted to five flats about 20 years ago. It is these decisions that have both compromised

and eroded the setting of listed buildings in Wolborough Street, in particular Blanche House.

12. Accordingly, and taking into account my observations on the present use and condition of the land, the setting of the listed buildings to the rear would be enhanced and in turn that of the conservation area. And for the reasons explained in paragraph 4 above I find that the setting of the Almshouses would remain essentially unaltered. Consequently, there would be no conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 adopted in 2014 ('the Local Plan') or with Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2023 ('the Framework').

Issue (ii): Living Conditions for Neighbours

13. The second reason for refusal alleges that the proposed dwelling would have an overbearing impact on Nos. 89, 91 & 91A Wolborough Street. In this regard I note that there is no allegation or technical evidence from the Council that the light and privacy enjoyed by those properties would be affected, albeit the occupiers take the opposite view.
14. The absence of issues of an adverse effect on light and privacy from the Council's refusal is significant because normally such impacts are closely associated with a loss of outlook and a perception of a development being overbearing. This absence confirms my view that although the outlook from Nos. 89, 91 & 91A would change, the modest scale and low profile of the building would be such that it would not be overbearing.
15. Indeed, in planning decisions 'overbearing' is normally associated with a significant loss of a view of the sky in the outlook from close quarters, often accompanied by a claustrophobic feeling of being 'hemmed in'. However, for the reasons stated above I am satisfied that this will not be the case here, particularly given that the existing relatively open aspect westwards towards the Almshouses would remain. Finally, the appellant makes a valid point that the existing car park causes noise and disturbance for neighbours together with some overlooking and nuisance from car headlights. Accordingly on this issue, I find that the effect of the development would be one of no conflict with Local Plan Policies S1 and S2 or with paragraph 135f) of the Framework.

Other Matters

16. Newton Abbot Town Council has no objections to the development, but local residents oppose it for a number of reasons additional to the main issues and I have taken these into account. The loss of the parking area is of particular concern, but whilst I recognise its removal would be inconvenient this does not justify a dismissal of the appeal. The Council has correctly not relied on the issue as part of its case. In making a decision to own or use a car it is for local residents to have regard to both on-street and off-street parking capacity, with public car parks no doubt provided by the Local Authority on the basis of a range of criteria including the need for them in any particular part of the town.

Conclusion

17. For the reasons explained above, I shall allow the appeal and grant permission. The Council has suggested some conditions if the appeal is allowed, and I agree that these are reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.
18. Conditions requiring details of the external materials and withdrawing permitted development rights will safeguard the setting of the conservation area and nearby listed buildings. A condition stipulating on-site car parking spaces (just two for the occupiers of the dwelling) is needed to avoid additional demand for spaces in Gothic Road, whilst a condition stipulating the provision of surface water drainage details is required to ensure that the development will not increase the risk of surface water flooding.
19. I also agree with the Council that the constrained nature of the site and its topography are such that a pre-commencement condition for surface water drainage is required because of the possible requirement to connect to the mains sewer. A further pre-commencement archaeological investigation condition is suggested by Devon County Council's Historic Environment team and I agree this is necessary to safeguard any archaeological interest of the site prior to its development. The appellant has supplied the Planning Inspectorate with their written consent to both pre-commencement conditions as required under Government planning regulations.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Based Site Plan showing the appeal site, the conservation area boundary and heritage assets; Drawing Nos. 22/08/01A; 22/08/02; 22/08/03;
- 3) Details/samples of proposed external materials including hard surfacing and all retaining walls shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above slab level. The development shall be carried out in accordance with the approved details;
- 4) Car parking spaces for two cars shall be provided in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and thereafter permanently retained for that purpose;
- 5) 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 development of the types described in in Classes A, AA, B or E of Part 1 of Schedule 2 (which includes enlargement of the dwellinghouse, additional storeys, enlargement of the roof and the provision of curtilage structures) shall be undertaken on the premises other than expressly authorised by this permission;
- 6) Prior to the commencement of development, full details of the proposed surface water drainage system, including written agreement to connect with South West Water as may be necessary, shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall be constructed in accordance with the approved details;
- 7) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation ('WSI') first submitted to and approved in writing by the Local Planning Authority ('LPA'). The development shall be carried out in accordance with the approved WSI, or with such other details as may be subsequently agreed in writing by the LPA.