



Appeal Decision

Site visit made on 30 January 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/P1133/W/23/3327192

27 Fluder Heights, Fluder Hill, Kingskerswell TQ12 5JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Chris Jones against Teignbridge District Council.
 - The application Ref 23/01035/HOU, is dated 8 June 2023.
 - The development proposed is described as "proposed roof alterations incl loft conversion, new porch."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a failure to determine the application within the prescribed period and the Council has highlighted what its reason for refusal would have been, had it been determined. The Council's main concern relates to the effect of the proposal on the character and appearance of the area. The appellant has had the opportunity to comment and therefore would not be prejudiced by this forming the basis for the main issue.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located in an urban area adjoining a long, sloping residential street. It comprises a large, detached property that the plans indicate includes a lower ground floor garage, bedroom, study and void. Despite most of the accommodation being located at the ground floor, the property appears to be 2 storeys high. Although set back from the road, it has a commanding presence, partly due to its elevated position above the properties below it.
6. Within the immediate surrounding street, the scale of properties is varied, being predominantly made up of single and two storey frontages. Additionally, house designs are not uniform. Notwithstanding this, the appeal property is of

a modern, simple and symmetric design. It includes a hipped roof and a well-proportioned arrangement of various openings. Consequently, it makes a positive contribution to the street scene.

7. The development would improve the internal layout of the property and would not increase its footprint. Additionally, I observed a nearby property with a loft conversion. However, even though the roof would be raised by approximately 1 metre, this increase, together with the gable design and aforementioned pitched extensions would add a significant bulk and massing to the frontage elevation. For these reasons, although there are loft conversions nearby, the proposal would give the appearance of an untypical and imposing 3 storey building, rather than a 2 storey property with rooms in the roof. As such, the proposal would have a dominant effect on its surroundings.
8. The proposed pitched porch and dormers would maintain some design consistency when compared with the existing property frontage. Furthermore, the proposed matching materials would be complementary to it. However, the resulting cumulative openings and additions to the property's frontage would appear cluttered. As such, they would erode the simple symmetry of the existing property. These design features would consequently not be complementary to the existing building.
9. Therefore, I conclude that the proposal would cause harm to the character and appearance of the area. As such, the proposed development would be in conflict with policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033 May 2014, which, together in this respect, seek to ensure existing dwellings can be appropriately adapted and improved while complementing the character of existing residential buildings, areas and street scenes.

Other Matters

10. My attention has been drawn to a previous appeal¹ on the site. The appellant's comments in respect of the living conditions of neighbouring occupiers are noted. However, the Council considers it would be unreasonable to resist the current scheme on these grounds. I have no substantive evidence before me to demonstrate there has been a change in circumstance since the last appeal. Consequently, I find no reason to disagree with the previous Inspector in this regard.
11. Furthermore, although there are similarities in respect of the proposed extensions, that scheme involved the construction of a garage. It is materially different to this proposal. In any case, I have dealt with this appeal on the evidence before me and my own observations.
12. I have paid regard to the appellant's comments in respect of the processing of the application, delays and unrelated 3rd party comments. I also acknowledge their cooperation with the Council during that process. However, these matters have no bearing on my decision which is based on the planning merits of the proposal.
13. Whilst the personal circumstances surrounding financial pressures and stress to the appellant and their family are acknowledged, these matters would not outweigh the harm I have found to the character and appearance of the area. In that context the appellant asserts that their interests have been prejudiced

¹ Appeal Ref: APP/P1133/D/22/3302830

as a result. I have paid regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010. However, there is no evidence that there would be any conflict in this respect.

14. The appellant suggests that they are open to discussions and modifications to the design to facilitate the decision making process. However, any such matters cannot be dealt with at this appeal.
15. The development would provide more adaptable living arrangements for a locally employed, growing family and elderly parents. Additionally, it could improve home working opportunities, reducing the need to travel. However, any such benefits would not be sufficient to outweigh the harm I have already identified.
16. The appellant refers to alleged matters in respect of neighbouring occupiers. However, any such private disputes are not materially relevant to this appeal.

Conclusion

17. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed and planning permission is refused.

J Hills

INSPECTOR