



Appeal Decision

Site visit made on 13 August 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH August 2024P

Appeal Ref: APP/P1133/D/24/3345913

26 Teignview Road, Bishopsteignton, TQ14 9SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr O Watts against the decision of Teignbridge District Council.
 - The application Ref is 24/00584/HOU.
 - The development proposed is described as proposed loft conversion.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the Bishopsteignton Conservation Area (BCA).

Reasons

3. The BCA is irregular in shape and sprawls out from the historic core. It includes a diverse range of older buildings, which together with the narrow lanes, historic highway surfacing, raised pavements, trees, undulating topography, rural backdrop and extensive use of building materials including slate, clay tiles, thatch, render, rubble stone and cob, contributes the character, appearance and significance of the BCA.
4. The appeal property is located on the northern edge of the BCA and its rear garden straddles the settlement boundary. The property comprises a modest sized two storey terraced house with a long and narrow rear garden, which slopes up steeply to the rear. The dwelling occupies an elevated position above Teignview Road, from which it is separated by a modest sized front garden and tall stone wall.
5. Whilst not a listed building the dwelling is identified in the Bishopsteignton Conservation Area Appraisal (BCAA) as one of several terraced houses within the row that have a positive impact on the character and appearance of the BCA. The dwelling, which has a narrow frontage has rendered walls under a slate roof, with white uPVC framed sash and casement windows and black plastic rainwater goods. The row of dwellings and in particular their front roof slopes are partially screened from Teignview Road by their elevated position, together with the narrow width of the highway and the tall wall to the front of the terrace. Similarly, they are screened from the roads to the south by

- buildings which are built into the slope of the land and are siting close to the highway.
6. Whilst views of the terrace are restricted to glimpses their modest form; continuous uncluttered slate front roof-slopes that are interrupted by prominent chimney stacks; rendered walls; and the retained sash windows make a valuable contribution to the overall character, appearance and significance of the BCA.
 7. To the rear the appeal dwelling is screened from the open countryside by the steeply sloping topography; mature landscaped and well treed gardens to the rear of the terrace; and the buildings located on either side of the terraces which project deeper into the rear garden environment. Views of the roof of the appeal dwelling are restricted to a small area within the rear garden environment.
 8. To the rear the appeal dwelling and the adjoining dwelling at 28 Teignview Road have attached two storey rear projections, whose pitched slate roofs sit slightly below the main ridge line of the host dwellings. There is also a single storey rear extension to the rear of the appeal dwelling which has a translucent mono-pitched roof. The pair of the dwellings immediately to the east are deeper and similarly have attached rear projections. This theme continues along the terrace and contributes to the more diverse and fragmented character and appearance of the rear roof-scape, although the use of render and slate provides a strong sense of continuity.
 9. There are several dormer windows in the local area, which have blended into the roofscape with varying degrees of success. Much depends on their size, design, materials, the appearance of the roof-scape in which they are located and their prominence.
 10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Policy S1 of the Teignbridge Local Plan 2013–2033 and the BCAs are consistent with this.
 11. Collectively paragraphs 205, 206 and 208 of the Framework, state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. LP Policy EN5 is consistent with this.
 12. Amongst other things LP Policy S2 and paragraph 135 of the Framework seek to ensure that new development is of high-quality design and responds to the characteristics of the site, its wider context and the surrounding area. It should integrate with the character of adjoining built development, particularly heritage assets and use appropriate materials, whilst making effective use of land. The BCAs advise that where buildings are identified as having a positive impact on the BCA, alterations should only be made to positive items if they

- result in the enhancement of the building and the contribution it makes to the character and appearance of the BCA. Proposals which would detract from the special character of such buildings will be resisted.
13. The proposed dormer extension would be set in from the sides, ridge and eaves lines of the host dwelling and would partially sit within the rear projecting roof slope, which projects several metres to the rear of the dwelling and is the same depth as the existing rear single story extension. The proposed windows would respect and be more modest in form to the existing first floor window. Whilst the window frames, fascia and rainwater goods would all be plastic, this would match those of the existing dwelling. In these respects, the rear dormer extension would respect the character and appearance of the existing dwelling and the terrace.
 14. However, rather than using slate on the dormer front wall and cheeks, Cedral cladding, which is a modern composite product, is proposed. This material is modern and would be quite distinct from the slate used on the rear roof-slope of the terrace. For this reason and irrespective of the colour of the Cedral cladding, the proposed dormer would be prominent and would totally dominate the roof-slope of the host dwelling. It would appear out of keeping with and would materially detract from the character and appearance of the host dwelling and the roofscape of the terrace. As such the proposal would have a negative impact on the conservation area as a whole.
 15. Regarding the proposed roof-lights on the front roof-slope, as stated in the council's delegated report the provision of roof-lights falls within current permitted development tolerances. However, they are an integral part of the overall scheme which does require planning permission and so require consideration as an integral part of the proposal. Roof-lights are not uncommon within the BCA, however together the proposed roof lights would be quite large. To ensure that they blended in with the slate roof-slope the frames would need to be visually discrete and of a colour that blended in with the slate roof. As this is a matter that could be secured by condition it has not added to my concerns regarding the impact of the overall proposal.
 16. For these reasons and notwithstanding its rear garden location and the varied rear roofscape of the terrace, the proposed dormer extension would materially detract from the appearance of the host dwelling, the terrace and the BCA as a whole. It would fail to preserve the character or appearance of the BCA and would result in harm to the significance of the BCA. Whilst this harm would be modest and thus less than substantial, it nonetheless needs to be weighed against any public benefits that would result from the proposal.
 17. Whilst no public benefits have been identified by the appellant, the proposal would result in local employment during the construction of the proposed development. Given the size of the proposal the contribution it would make to local employment and the economy would be very modest. It would be clearly outweighed by the less than substantial harm the proposal would cause to the BCA, the conservation of which I attribute significant importance and great weight. This harm is not something that could be satisfactorily mitigated by the imposition of conditions.
 18. The above harm would materially outweigh the personal benefits for the appellant and their family that would result from the proposed low maintenance additional accommodation.

19. I conclude on the main issue that the proposal would fail to preserve the character or appearance of the BCA and the less than substantial harm that it would cause to the significance of the BCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies S1, S2 and EN5, the BCAA and paragraphs 135, 205, 206 and 208 of the Framework.

Other matter

20. The appellant has expressed concerns relating to the processing of the appeal application by the council. The concerns raised are not material to the merits of the proposal and so would need to be taken up directly with the council.

Elizabeth Lawrence

INSPECTOR