



Appeal Decision

Site visit made on 15 August 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH August 2024

Appeal Ref: APP/P1133/D/24/3345190

Hillside, Commons Lane, Shaldon, Devon, TQ14 0HN

- 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 Holly Traynor against the decision of Teignbridge District Council.
 - The application Ref is 23/02071/HOU.
 - The development proposed is a new vehicle entrance, side extension and balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in the name of Mrs Holly Traynor. The appeal was originally made in the name of Mr Daniel Hallett. It has subsequently been confirmed that the appeal is made in the name of Holly Traynor. I have proceeded on this basis and am satisfied that the applicant and appellant are one and the same person.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the area, and upon the living conditions at Tor Croft with particular regard to privacy.

Reasons

4. The appeal relates to a detached, split-level dwelling to the west side of Commons Lane, a narrow tarmac carriageway with no footpaths either side and with a steep incline down in a northerly direction towards the River Teign estuary. The property is built into the slope of the land taking account of the area's topography, appearing as single-storey to the south-east facing elevation and two-storey to the north-west facing elevation, with a shallow pitched roof and gable end facing towards the road at close quarters. The proposal includes three separate and distinct elements:- (i) a new parking space and vehicle entrance from Commons Lane to the south-east side of the dwelling, (ii) a single-storey extension to the central part of the rear (south-east) elevation of the property, and (iii) a first-floor balcony added to the south-west facing end gable.

Character and Appearance

5. Commons Lane runs as a narrow carriageway for a considerable distance. South-east of the appeal site it is enclosed entirely on both sides by tall and mature hedge banks. In the vicinity of the site, where the lane leads into the settlement fringe edges of Shaldon, the roadside enclosures become more fragmented due to driveways and cul-de-sac entrances. Nevertheless, roadside hedgerows still remain dominant features, ensuring a strong rural and verdant character to the immediate street scene is maintained.
6. Hillside currently has a vehicle access to its north side which is set behind a splayed, low brick wall and which leads to a driveway providing parking in a tandem arrangement in front of the house. The remainder of the roadside boundary running south-east is enclosed by a hedge bank leading up to an adjacent double-width driveway access shared by four deeply recessed properties. The proposed new access and parking for two vehicles side-by-side to the south-east (rear) side of the dwelling would remove approximately 8.8m of the existing hedge bank according to the appellant's Preliminary Ecological Assessment (PEA) dated November 2023.
7. The appellant's appeal submission states that relocation of the parking spaces from the front to the rear of the property would include additional hedge planting with the intention of providing greater privacy to the ground floor bedrooms, and with added environmental improvements through a net gain of planting and removal of the driveway in favour of lawn. However, and as is recognised within the PEA, the planning application drawings do not show any proposed change or replanting of the existing drive entrance.
8. The formal proposal that is before me, as shown on the submitted application drawings, shows only a section of hedge bank retained in front of the property's end gable, with a further portion shown to be removed to provide a visibility splay for the new access. The loss of a significant amount of existing hedgerow would result in an uncharacteristically open expanse of frontage to Hillside that would be detrimental to the rural character of Commons Lane.
9. Turning to the extension, this would project perpendicular to the south-east elevation of the property in a central position as a narrow limb and would enclose the back edge of the new parking spaces. Given the split-level nature of the property, it would appear as a single-storey addition to a single-storey elevation. Although it would project fairly deep, when seen in views approaching Hillside from the south-east along Commons Lane, it would be seen as a subservient addition set against the more dominant backdrop of the main bulk of the dwelling. Its size would be evident when seen head-on from the open fronted new access but to my mind it would not appear disproportionate in relation to the host dwelling. Approaching from the opposite direction along Commons Lane it would be out of sight.
10. Because of the extension's orientation, its hipped roof form would marry with the pitch of the building's main roof when viewed direct from Commons Lane. I am satisfied that this element would complement the existing building.
11. The application and accompanying drawings indicate that the extension would be finished with black metal standing seam roof sheeting and vertical black metal rainscreen cladding. The existing dwelling is finished with light coloured render to its upper floor, red brick to its lower floor and flat concrete roof tiles.

12. The appellant's appeal submission states that the cladding is to be used across the whole house in subsequent renovation works. During my visit I saw that a window to the front elevation had been replaced with a dark framed casement in contrast to the prevailing white UPVC frames. I am also mindful that other windows in the property are in a poor state of repair. However, the formal proposal that is before me, as shown on the application drawings, shows a contrast between the materials on the host dwelling and the extension. I have no reason to doubt the appellant's intentions to make significant improvements to the energy efficiency of their home, but there can be no guarantee when such works would occur, or even if at all should circumstances change. Based on the application proposal, the materials for the extension would make it stand out in stark contrast to the host dwelling, appearing as an incongruous and inharmonious addition. Its visual harm would be exaggerated by the increased exposure it would have from the new access opening proposed at this point.
13. I have carefully considered whether imposing conditions relating to landscaping and materials could mitigate the harms that I have identified in relation to the proposed new access and the extension. However, both elements are fundamental to my consideration of the proposal. I have no substantive evidence before me that a successful landscaping scheme could be achievable. Neither would it be reasonable to require the materials on the existing property to be changed wholesale within any reasonably acceptable timeframe. As such, it would not be appropriate to deal with these matters by condition.

Living Conditions

14. Tor Croft is a detached bungalow with a pyramidal roof and rooms within the roof space served by dormer windows to all sides. It sits on significantly lower land levels compared to Hillside. The front elevation of Hillside faces Tor Croft head-on with large, first-floor picture windows giving an outlook from primary living spaces towards the neighbouring roofscape and beyond.
15. The proposed balcony would extend beyond the south-west facing gable with its outside edge nearest Tor Croft running aligned with the appeal property's front facing elevation.
16. I observed for myself numerous vantage points within Hillside where sight towards Tor Croft can be had and at reasonably close range. I also recognise that vegetation along the mutual boundary between both properties is dense and has matured significantly in recent years, as is evidenced by photographs supplied by the appellant. However, the balcony would provide an additional source of outlook, and one which would create an outdoor space at an elevated level with the potential to be used for continuous periods of recreation and socialising. Views from the existing rear patio at Hillside are more distant in relation to the boundary with Tor Croft when compared with the proposed balcony. The effect or retention of existing vegetation along the boundary could not be permanently relied upon to provide an acceptable screen.
17. I accept that the proposed balcony would provide expansive views towards the River Teign Estuary and Dartmoor beyond, which would principally draw the eye. However, due to its size, height, and proximity to the boundary, it would have the potential to give direct sight into the area of garden beyond the existing conservatory at the rear of Tor Croft. Due to the nature and purpose of the balcony, its use would erode existing levels of privacy at Tor Croft that

appeared to me as already fragile. It would also create a perception within the garden space of Tor Croft of being overlooked which I consider would also lead to a deterioration of the neighbour's living conditions.

Conclusions

18. In the absence of any suitable means to mitigate the loss of existing hedge bank, or to ensure that the materials of construction for the proposed extension would complement the existing building, I find that the proposal would harm the character and appearance of the area. In this regard the proposal would conflict with Policies S2 and WE8 of the Teignbridge Local Plan 2013-2033, adopted in 2014 (the Local Plan), as far as they require good design that maintains and integrates with the character of the adjoining built environment, and which is complementary to the existing building. In addition, I find that the proposed balcony would reduce the existing level of privacy at Tor Croft. This would be further contrary to Policy WE8 and would also conflict with the Local Plan Policy S1 as far as they both seek to safeguard the privacy enjoyed by neighbouring occupiers. For the same reasons I find conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places.
19. I recognise that elements of the proposal satisfy other development plan and national planning policies, but when the Local Plan and Framework are read as a whole, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John D Allan

INSPECTOR