
Appeal Decision

Site visit made on 6 March 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/P1133/W/24/3353563

33 Moorland View, Newton Abbot. Devon TQ12 4EP

- 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 Ms L Bettany of Pride & Joy Construction Limited against the decision of Teignbridge District Council.
 - The application Ref is 23/01481/FUL.
 - The development proposed described as: 'New 3 bedroom dwelling to rear (NW) of 33 Moorland View.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised. However, I am satisfied that there are no changes of any consequence for the main issues in this appeal.
3. There is a minor discrepancy in respect of the street name of the neighbouring properties on the Council's decision notice (Refusal Reason 2). After visiting the site and reviewing the information before me, I have used 'Flete Avenue' in my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of the occupiers of 33 and 35 Moorland View in respect of outlook and sunlight,
 - the living condition of the occupiers of 17-21 Flete Avenue in respect of outlook.

Reasons

Character and Appearance

5. The appeal site is situated at the corner of Moorland View and Flete Avenue, within a residential area predominately characterised by two-storey terraced houses of similar scale and design. Properties in the area generally have plots which are narrow in width but deep in length providing houses with generous rear

gardens. The appeal site currently forms part of the rear garden of 33 Moorland View. This property has a wider plot than its neighbours, but the depth of the rear garden is similar. Along Flete Avenue, houses are set back from the road, with their ridgelines following the natural topography, and street trees growing along the pavement.

6. I also noted that a group of purpose-built bungalows is located just off Flete Avenue, while other bungalows are present in the wider area. Despite the varied outbuildings, boundary treatments and parking / access layouts, the overall spaciousness create a consistent and pleasant visual break in this residential area, making a positive contribution to its local distinctiveness.
7. The appeal proposal seeks to subdivide the existing garden and construct a 3-bedroom dwelling following the demolition of the existing garage. Whilst the ridgeline of the new dwelling would be lower than that of the existing house, No. 33 Moorland View, the overall scale of the building would still be substantial. The proposed dwelling would be largely in line with a building line drawn between the two adjacent properties, 17 Flete Avenue and 33 Moorland View. However, to achieve this and as a consequence of the depth of the site, the proposed bungalow would be very close to its rear and side boundary. This would lead to it appearing cramped and out of character with other development in the area.
8. The appellant argues that it would be comparable to a large garage. However, the appellant also describes the existing garage on the site as a 'large garage' and the proposed plans show the bungalow would be of a much larger scale and mass. Consequently, the new building would be a much more prominent feature in the street scene.
9. The appellant has drawn my attention on some examples and suggested that the proposed ratio of built form to plot size is not uncommon and greater efficiency in land use should be encouraged. Two of the examples cited by the appellant are bungalows/houses which have been designed as a group with similar characteristics. The other appears to be an 'infill' house which has narrow plot width and set back which is common on Moorland View. Whilst of a lower plot density than the appeal scheme, on the basis of the submitted information, these developments sit more comfortably in their surroundings. By contrast the proposed bungalow would appear cramped and out of keeping with the street scene in Flete Avenue.
10. I conclude that the proposed development would harm the character and appearance of the area. Therefore, the development would be contrary to Policies S1 and S2 of the Local Plan and Policy NANDP2 of the Newton Abbot Neighbourhood Plan, among other things, seek to achieve high quality design that promotes local distinctiveness, and that new development should respect the scale and character of the street scene and the surrounding area.

Living conditions of the occupiers of

33 Moorland View

11. Given the orientation and the proximity of the new bungalow to the new boundary with No. 33 there would be some overshadowing of the garden which is retained for No. 33. However, No.33 benefits from an enclosed side garden as well as a rear garden. Only a fairly limited part of the overall garden would be overshadowed

and not to an extent so as to be detrimental to the living conditions of the occupiers.

12. The new bungalow is of a height and scale that it would be visible over any new treatment fencing on the rear boundary of No. 33. However, given the extent of the retained garden area and the change in land level, the gable end of the new bungalow would not have a significant enclosing impact.

35 Moorland View

13. Although the dwelling would not adjoin the neighbour's patio area, its rear elevation would run almost the full length of the neighbour's garden. The orientation and proximity to the boundary is likely to lead to some overshadowing as shown on the appellant's submissions. Given that the garden is comparatively narrow this impact could be substantial. Furthermore, as a result of its height the new dwelling would appear as a visually oppressive and enclosing feature in the garden space. These effects would have a significant harmful impact on the living conditions of the occupiers of No. 35.

17-21 Flete Avenue

14. The proposed dwelling would be situated at a significant separation distance from the rear elevations of these neighbouring properties, which are located on lower ground and directly facing the side elevation of the site. Although the new dwelling would be taller than the existing garage, it would be sited further away from the boundary. As such, the adverse effect would not be of a magnitude that would detrimentally impact the living conditions of the occupiers of these neighbouring properties.
15. Overall, I find that the new dwelling would not have a harmful effect on the living conditions of the occupiers of No. 33 Moorland View or 17-21 Flete Avenue. However, the proposed development would harm the living conditions of the occupiers of No. 35 Moorland View. In this regard the development would be contrary to Policy S1 of the Local Plan that seeks a high standard of living conditions of the occupiers of the existing dwellings.

Planning Balance

16. The emerging Teignbridge Local Plan 2020-2040 was published in March 2024 and has undergone Public Examination. The appellant refers to an emerging District Design Code (DDC) forming part of the emerging plan. However, I have not been advised whether the examining Inspectors have made any interim findings, whether main modifications have been consulted upon, whether representations have been received in response to them and whether the examining Inspectors have submitted a report. In these circumstances there is a lack of certainty about the final form of policies in the emerging plan or the DDC and they attract limited weight.
17. The site is in a built up area where shops and services can be accessed. Temporary and ongoing economic benefits would arise through the construction of the dwelling and ongoing domestic expenditure in the area. There could be some other benefits associated with new planting and biodiversity enhancement, together with the new dwelling to be built with sustainable construction method.

18. Some letters of support indicate that the existing landlord have carried out a good standard of tenant management. However, as property ownership may change over time, this matter does not outweigh the harm I have identified.
19. Overall, given the limited scale of the development such benefits attract only modest weight and do not outweigh the harm which I have found in this case.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

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INSPECTOR