



Appeal Decision

Site visit made on 30 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2025

Appeal Ref: APP/P1133/W/24/3354963

Coombe Gardens, First Avenue, Teignmouth, Devon TQ14 9DH

- 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 Armada Property UK Ltd against the decision of Teignbridge District Council.
 - The application Ref is 24/01399/FUL.
 - The development proposed is the creation of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of future occupiers and the occupiers of 2 Coombe Gardens, with particular regard to privacy, outlook, light and the size of outdoor private amenity space; and (iii) whether the proposed development would be likely to increase the risk of flooding in the area.

Reasons

Character and Appearance

3. The appeal site is an area of scrubland at the end of an access driveway which serves two existing dwellings. A terrace of houses runs along the western side of First Avenue. However, in the vicinity of the appeal site, the dwellings on the eastern side are set well back from the road, thereby providing the surroundings with an element of spaciousness. The appeal site itself, despite being overgrown and untidy, contributes to this feeling of spaciousness to some extent.
4. The proposed development would provide two new dwellings. While the site is located in the middle of an urban area, its position at the end of a shared access driveway means that the proposed homes would inevitably be primarily seen within the context of the two existing dwellings, namely 1 and 2 Coombe Gardens. It is readily apparent from the diagram on page 11 of the appellant's Design and Access Statement that the width of the appeal site is noticeably narrower than the width of the plot in which No. 2 Coombe Gardens is located. As such, it is absolutely inevitable that squeezing two homes onto the appeal site would appear as a highly contrived, cramped and incongruous addition to the street scene. It would also erode the sense of spaciousness that exists along Coombe Gardens.

5. The design of homes in the surrounds is quite varied and I do not have concerns about specific design features or materials used. However, this does not alter the fact that the proposal would clearly harm the character and appearance of the area. As such, it would conflict with Policies S1 and S2 of the Teignbridge Local Plan 2013 – 2033 (the LP), which in part seek to ensure that new development is well designed and that it preserves character and appearance.

Living Conditions

6. There is an existing window at first floor level within the side elevation of No. 2 Coombe Gardens. I do not have the floorplans of that property before me, although it is unlikely that the window serves a primary living area. Nevertheless, the proposed dwellings would be situated within very close proximity to No. 2 and it is therefore inevitable that there would be a reduction of light reaching that window to some degree. In addition, it is also highly likely that the occupants of No. 2 would feel more cramped and enclosed.
7. Some outdoor garden space would be provided for each of the two proposed properties. However, due to the topography of the land, the amount of usable space to the rear would be very limited indeed. There would be a raised area to the front of each dwelling. However, this again would be limited in size and would offer no real privacy. I acknowledge that the site is in a dense urban area, and that there is a park several minutes' walk away. However, these factors do not fully mitigate the fact that the level of outdoor space provided would be unsatisfactory for what would be family sized homes.
8. The appellant has set out that the occupants of No. 2 only used the appeal site for recreational purposes on an informal basis, and that the site is legally a separate entity. While there seems to be little in the way of substantive evidence either way, this isn't a determinative issue in this appeal, and I therefore see no reason to disagree with the appellant's statement in this regard. I therefore do not find harm in terms of the potential sub-division of the garden space of No. 2.
9. Nevertheless, I have identified harm in relation to the amount of proposed garden space for the two proposed dwellings, and the effect of the development on the occupiers of No. 2 in relation to light and outlook. As such, the proposal would conflict with LP policies S1 and S2, the relevant aspects of which seek to ensure that living conditions are protected.

Flooding

10. In order to address the issue of fluvial and pluvial flooding, the appellant submitted a Flood Risk Assessment & Surface Water Drainage Strategy as part of their application (Pitman Associates, August 2024). The assessment notes that a small part of the area identified for proposed parking spaces is located within Flood Zone 3. In order to mitigate this, it recommends that the parking area be built as a cantilever structure. There appears to be little in the way of additional information about this issue, although the appellant has noted that the spaces would be built to a similar specification to an existing space at the entrance to Coombe Gardens.
11. The Council's drainage engineer has also noted that, in their view, there are some inaccuracies with the submitted flood risk assessment. These include the fact that the climate change allowance for Teignmouth should be 50% rather than 45%,

while the maximum allowable discharge should be limited to 1.0 l/s in total rather than per property.

12. However, even if I were to agree with these deficiencies, I can see no reason why these matters could not be overcome through the provision of additional information which could be secured via an appropriately worded condition.
13. As such, the proposal would conform with LP Policies S1, S2 and EN4, the relevant aspects of which seek to ensure that new development is well designed and safe from flooding, while also not increasing the risk of flooding elsewhere.

Other Matters

14. The appellant has noted that planning permission was granted for two dwellings on the site in 2008. However, the development was never commenced, and the relevant policy framework has altered considerably since that time with the introduction of the National Planning Policy Framework and, at a local level, the adoption of the LP in 2014. As such, this historic planning permission is afforded no weight in my decision making.
15. The Council has noted that the appeal site is within close proximity to the Exe Estuary Special Protection Area and the Dawlish Warren Special Area of Conservation. However, as I am dismissing the appeal, I am not required to consider this matter further.

Conclusion

16. I have found that the appeal proposal would cause harm in relation to character and appearance and living conditions. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have not found harm with regards to flooding. Whilst the provision of two dwellings would contribute to local housing supply, and could provide some economic benefits for the local area, the small-scale nature of the scheme means that any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR