



Appeal Decision

Site visit made on 17 April 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/P1133/D/24/3356678

18 Higher Yannon Drive, Teignmouth, Devon, TQ14 9JQ

- 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 and Mrs Richard and Brigitta Kirkby and Tesch-Kirkby against the decision of Teignbridge District Council.
 - The application Ref is 24/01185/HOU.
 - The development proposed is external alterations, front and rear extensions and roof extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have been informed by the Council that reference to Policy SE1 of the Teignbridge Local Plan 2013-2033 in the first reason for refusal was a typographical error, and that this was meant to read as Policy S1. It appears that reference to Policy H11 of the emerging Teignbridge Local Plan 2020-2040 in the Council's second reason for refusal is also an error, intended to refer to Policy H12 on Residential Amenity. I have considered the appeal on this basis as no issues of procedural unfairness arise from these minor matters, as the appellant has addressed the correct policies in their submissions.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 20 Higher Yannon Drive (known as 'Westbay'), with particular regard to outlook, light and privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal property is one of the several two-storey detached dwellings that make up Higher Yannon Drive, all of which are set back from the road by long front gardens. It is slightly different in appearance to its neighbours and of marginally

smaller scale, with a lower roof ridgeline, and there is a larger gap to No 16 than in the prevailing pattern in the street. Although these properties are somewhat obscured from view from Higher Yannon Drive by boundary treatments and planting, they feature prominently in views from across the river due to their elevated position on the hill.

6. There is some variation in the design and detailing of buildings on Higher Yannon Drive, however all share characteristic features of a rendered finish and pitched roof, with most having a two-storey projection to the front. Although built at a later date than its neighbours, the appeal property shares these common features. Each house has a combination of other architectural details including bay windows and balconies, whilst both hipped and gable roof features are present throughout the street. These features are also common on other dwellings in surrounding roads. Although the way in which these elements are combined provides the properties on Higher Yannon Drive with a level of individual distinction from one another, they all remain of generally simple form and materials.
7. The proposed development would increase the height, depth and overall scale of the appeal property. However, given that the existing dwelling is slightly smaller than its neighbours and set in a large plot, I am satisfied that the increase in scale would, in itself, be appropriate to the existing building and surrounding development.
8. The different elements of the proposed front elevation design would take reference from many of the features found at the front of properties on the street, including balconies, terraces and front projections with gable roofs. However, although these design features individually are not out of character in the street, no building on Higher Yannon Drive features so many in combination on one elevation. Whilst innovative and contemporary design is not discouraged by local or national policy, in this case the sheer number of architectural features proposed on the front elevation would result in an overly complicated design that would not be sympathetic to the much simpler form and features of the existing property and its neighbours.
9. The proposed front gables would also obscure views of much of the main roof, which would be out of character in this streetscene where large expanses of roof make up a significant proportion of each dwelling when seen in longer views. Consequently, the proposal would result in the appeal dwelling standing out in the streetscene and longer views, due to its discordant and unduly complex front elevation. While some representations consider that the existing dwelling is somewhat dated, this could be addressed by other means than the changes proposed here.
10. At the front of the property, the proposed materials would include the continued use of render and roof tiles, whilst natural stone and pink standing seam cladding, said to be inspired by the nearby area, would be introduced. There is some variation in materials on building façades and roofs along Higher Yannon Drive, such as clay hanging tiles. These include elements of red and pink, and it is understood that the existing dwelling was once a brighter pink colour. Nevertheless, there would be a considerable amount of pink cladding visible, wrapping around the central gable feature. The extent of this material would make it a prominent feature which would further exacerbate the visual impact of the proposal. I note that the appellant is willing to discuss materials further, however it is unclear what alternatives are being

suggested and how significant such a change might be, therefore I have considered the appeal on the basis of the details submitted.

11. The proposed rear extensions would continue the contemporary design approach, but would be of simpler form. They would also be screened from public view by the topography and existing dwellings, so would have limited visual impact and would not harm the character and appearance of the area.
12. Nevertheless, due to the design of the proposed front elevation, the proposed development as a whole would harm the character and appearance of the area. It would therefore conflict with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033 (adopted 2014) which expect the design of development proposals to be of high quality and to complement and maintain or enhance the character and appearance of the area.
13. The proposed development also fails to accord with Policy H11 of the emerging Teignbridge Local Plan 2020-2040, which also expects designs to complement the existing buildings and surroundings and maintain or enhance the character and appearance of the building and area. I do not have details of the level or nature of objections to this policy or the outcome of the Local Plan examination process in relation to it, therefore I can give it very limited weight at this time. Nevertheless, the conflict with it weighs against the proposal.
14. Furthermore, the proposal would not comply with the design policies of the National Planning Policy Framework (the Framework) which require good design that adds to the overall quality of the area and is sympathetic to local character. Paragraph 139 of the Framework states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, but on the provision that they fit in with the overall form and layout of their surroundings. The proposal would incorporate elements of sustainable design, improve the thermal performance of the building and reduce its carbon emissions. However, from the limited information provided it has not been demonstrated that this would achieve high levels of sustainability. I can therefore afford this limited weight, and it does not outweigh the harm I have identified above. Nor, for the reasons set out above, would the proposal achieve an outstanding design or fit in with its surroundings. Therefore, it would not benefit from the support in paragraph 139. The Framework specifies that development that is not well designed should be refused.

Living conditions

15. At the front of Westbay, its conservatory is adjacent to the existing patio of the appeal site and projects ahead of the existing front elevation of the appeal property. Apart from medium sized hedging on the side of the appeal site that restricts outlook in that direction, the conservatory benefits from an open outlook through its other windows. The proposed front extension would be located on the existing patio space and would stand taller than both the conservatory of Westbay and the existing hedge. Given its height and proximity, the side wall of the front extension would be a dominant and overbearing feature in the outlook from the side window of the conservatory, creating an additional sense of enclosure on this side that would diminish the enjoyment of the room, to the detriment of the living conditions of the occupiers of Westbay.

16. The rear garden of Westbay is relatively small compared to the front garden, but appears to be reasonably open and spacious, with limited enclosure aside from some trees and hedging along its border. The proposed two-storey rear extension would extend a significant distance into the rear garden, close to the boundary with Westbay. As a result of its size, height and proximity to the boundary, it would significantly alter the outlook from the rear garden of Westbay, introducing an imposing and dominant feature and a significant sense of enclosure, harming the enjoyment of this space for the property's occupants to the detriment of their living conditions.
17. The rear garden of Westbay is shaded by existing dwellings for much of the day but receives sunlight in the early morning and afternoon. Due to the depth and height of the proposed two-storey rear extension, it would significantly increase shading of the garden in the morning, resulting in a harmful loss of light to that area and a harmful impact on the living conditions of the occupiers of Westbay.
18. I am satisfied that the proposed balconies at the front of the appeal property would not lead to any increase in overlooking of Westbay, as their siting and orientation would be similar to the existing first-floor balcony. However, the roof terrace above the proposed front extension would significantly increase overlooking of this neighbouring property compared to the existing situation. Although the conservatory, first floor bay windows and windows along the side elevation can currently be seen from areas of the appeal site, this is generally from some distance away and from angles that do not afford direct line of sight inside the rooms. From the proposed roof terrace, although views would not extend as far back as the rear garden of Westbay, there would be clear and direct views looking down into the conservatory and towards the first-floor bay windows and side windows. The occupant of Westbay advises that some of these affected windows serve bedrooms. Consequently, the proposed front roof terrace would result in a significant and harmful level of overlooking of these areas of Westbay, which would have an unacceptable effect on the living conditions of its occupants.
19. I note that privacy screening is proposed along part of the Westbay side of the roof terrace. This would address overlooking towards Westbay to some extent, although views over the lower section towards the front would still be possible. The appellant has also expressed a willingness to accept a condition requiring privacy screening to extend along the entire western edge of the roof if necessary. This would satisfactorily mitigate the harm to Westbay as a result of overlooking. However, the privacy screening would increase the height of development along the boundary, and even if constructed of obscured glass, would result in a further loss of outlook from the conservatory of Westbay. For this reason, privacy screening does not represent a satisfactory solution to the impacts on Westbay.
20. I have also noted the openness of the appellant to remove the roof terrace, were it found to be the only unacceptable part of the proposal even with provision of extended privacy screens. However, this would not address the harm to outlook from the proposed front extension, or the harm resulting from the rear extensions. Therefore, while it would address the harm to the neighbours' living conditions in terms of privacy, this would not outweigh the harm in terms of outlook and light, so would not make the proposed development as a whole acceptable.
21. The appellant refers to other examples of two storey rear extensions in the area, however I do not have details of how these came to be built, what was there before,

or how they relate to the respective neighbouring properties. Therefore, it has not been demonstrated that they have a comparable impact to the appeal proposal, and these do not therefore justify the harm I have identified.

22. Consequently, the proposed development would harm the living conditions of the occupants of 20 Higher Yannon Drive with regard to outlook and light, however loss of privacy could be mitigated by removing the roof terrace over the proposed front extension. Nevertheless, for the reasons above the proposal would conflict with Policy WE8 of the Local Plan which, amongst other things, only permits domestic extensions where they do not result in undue impacts on privacy, light, and outlook for neighbouring properties.
23. The proposal also fails to accord with Policy H12 of the emerging Local Plan, which expects development proposals to avoid unacceptable impacts of loss of privacy and overlooking, overbearing impact on outlook, and loss of natural light.

Other Matters

24. The appeal property is located close to the Grade II listed Yannon Towers, which derives considerable significance from its Tudor Gothic style and architectural detailing. The existing setting of Yannon Towers is one where it is seen amongst a mix of residential dwellings, and this would not change as a result of the proposed development. Therefore, although the proposed development would stand out in the street scene based on its front elevation design, I am satisfied that it would not materially alter the setting, and thereby would not harm the significance, of this listed building.
25. Interested parties have raised concerns about other impacts of the proposed development, particularly in relation to other living conditions, however given my findings on the main issues above, there is no need for me to consider these further.

Conclusion and Recommendation

26. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR