



Appeal Decision

Site visit made on 4 September 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/P1133/W/25/3367925

13 Westcliff Road, Dawlish, Devon EX7 9EB

- 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 Diocese of Exeter against the decision of Teignbridge District Council.
 - The application Ref is 25/00083/FUL.
 - The development proposed is for demolition of garage and erection of a dwelling together with new garage and access for existing dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of garage and erection of a dwelling together with new garage and access for existing dwelling at 13 Westcliff Road, Dawlish, Devon EX7 9EB in accordance with the terms of the application, Ref 25/00083/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development has been amended to that of the Councils decision notice and as transcribed by the appellant to the submitted Grounds of Appeal.
3. The emerging Teignbridge Local Plan (TLP) 2020-2040 has now been submitted for examination and is at an advanced stage and therefore given greater weight.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the future occupiers of the proposed dwelling with regards to outlook and privacy;
 - the living conditions of the occupiers of neighbouring dwellings with regards to outlook and privacy; and
 - the designated sites - Exe Estuary Special Protection Area (SPA) and Ramsar site and Dawlish Warren Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The appeal site lies within the garden of no. 13 Westcliff Road. There is a line of early 20th Century properties along this side of the road that are set back from the highway with footway. The existing dwellings are predominantly detached two

storey houses, several with additional accommodation in the roof space and side extensions. The existing property benefits from a double garage and off-road parking for two private motor vehicles, common to other properties including no. 17 Westcliff Road, which generally represents the separation distances between the dwellings. All dwellings have generous, sloped back gardens.

6. The proposal is for a two-storey dwelling with accommodation in the roof space and would result in the removal of the existing garages, the creation of off-road parking for two cars in approximately half of the vacant space and the creation of a drive and new garage for the host property. The dwelling would have a frontage in line with the host property, slightly angled away due to the configuration of the plot. The external appearance and materials to be used, in construction, would be similar in type and form to that of the adjacent properties. The foundations would be cut into the slope to the rear resulting in the overall height of the dwelling being similar to that of the host property but lower than the dwelling at no. 17 and the footprint of the proposed dwelling would be subordinate to both.
7. I conclude that given the new dwelling in this location would reflect the existing layout, appearance and form of the adjacent properties, the proposed development would not harm the character and appearance of the surrounding area. As such it would comply with Policy S1(g) (Sustainable Development Criteria) and Policy S2(k) (Quality Development) of the TLP 2013-2030 and Policy GP1(10) Sustainable Development of the emerging TLP 2020-2040, which seek to protect and enhance the distinctive character and appearance of the local landscape and street scenes through design specific to the location of the proposed development.

Living conditions

8. The side of no. 13 would have direct views from a few windows towards the proposed dwelling. However, there would be no fenestration to the side walls of the new build and roof lights would be above the standing height of the occupiers. In addition, the two dwellings would be separated by the new drive and garage for the host dwelling and a footway around the side of the new build. The boundary between the two dwellings would be defined by a wood panel fence similar in size to that already in situ.
9. The side of no. 17 also has several windows and a porch with direct views of the appeal site. However, there would only be a single window in the side wall of the proposed dwelling at a lower level than the ground floor of no. 17. The single roof light on this elevation would be above the standing height of the occupiers of the new dwelling. There is already a reasonable separation distance between the boundary of the appeal site and the dwelling at no. 17 however the addition of landscape planting would enhance screening of views into the proposed dwelling.
10. The majority of the fenestration of the new dwelling would be at the front and back and whilst there may be limited views into neighbouring gardens either side, from upper floors, these would be oblique and the levels of privacy would be similar to that common in the locality.
11. The side windows within no. 17 would look towards the largely blank side elevation of the proposed dwelling. The principal window on this elevation would not be overlooked and there would be rear garden space with a similar degree of privacy to the existing dwellings.

12. In respect of reciprocal overlooking between properties to the rear of the site and the proposed dwelling, due to the steep slope, intervening distances and retained vegetation, the level of privacy for all occupants of these properties would be similar to that already experienced at the existing dwellings.
13. For these reasons, being design, levels and orientation, I conclude that the proposed dwelling would not cause material harm to the living conditions of the occupiers of no. 13 and no. 17 Westcliff Road or the future occupiers of the proposed dwelling. As such, it would not conflict with Policy S1(e) (Sustainable Development Criteria) of the TLP 2013-2030 and Policy GP1(8) (Sustainable Development) of the emerging TLP 2020-2040 that seek to protect the living conditions, regarding outlook, of existing and future occupiers of the existing and proposed dwellings.

Designated sites

14. The appeal site lies within 10 kilometres of the Exe Estuary SPA and Ramsar site and the Dawlish Warren SAC, being designated sites.
15. The SPA is noted for the following qualifying features:
 - Slavonian grebe (Non-breeding);
 - Dark-bellied brent goose (Non-breeding);
 - Eurasian oystercatcher (Non-breeding);
 - Pied avocet (Non-breeding);
 - Grey plover (Non-breeding);
 - Dunlin (Non-breeding);
 - Black-tailed godwit (Non-breeding); and
 - the overwintering assemblage of over 20,000 migratory waterfowl.
16. The SAC is noted for the following qualifying features:
 - Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")
 - Shifting dunes with marram;
 - Fixed dunes with herbaceous vegetation ("grey dunes") Dune grassland*;
 - Humid dune slacks; and
 - *Petalophyllum ralfsii*, Petalwort
17. The sites' conservation objectives seek to ensure their integrity is maintained or restored as appropriate, with the SPA and Ramsar site contributing to the aims of the Wild Birds Directive and the SAC contributing to achieving favourable conservation status of its qualifying features.
18. The evidence before me indicates that additional accommodation within 10 kilometres of these designated sites adds to the existing issues of damage and disturbance arising from recreational use at the sites. A likely significant effect therefore cannot be ruled out. An appropriate assessment is therefore required under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
19. As set out in the Council's guidance, the effects of development can be mitigated by developers providing a financial contribution towards mitigation measures – ranging from on-site management, education and enforcement to the creation of alternative recreation space.

20. A Habitat Mitigation Contribution of £1157 has been paid in advance in accordance with the contribution per unit set out on the Council's website. Natural England are content with this payment.
21. As the competent authority, I am therefore satisfied that with the proposed mitigation, the development does not have an adverse effect on the integrity of the designated sites.
22. The proposal therefore complies with the Habitat Regulations and TLP Policies EN8 and EN10. Amongst other aspects, these seek to protect the area's biodiversity, including in designated wildlife sites.

Other Matters

23. I note that there would be no significant loss of trees and construction would be carried out in accordance with British Standards to protect retained trees, additional planting is proposed, existing boundary vegetation would be retained and measures to protect wildlife are also proposed. All these management regimes can be secured through planning conditions.
24. Whilst the construction process is likely to be disruptive in terms of noise, it would be short-term and is not a reason to withhold permission. The proposed dwelling is unlikely to give rise to any significant loss of light insofar as it is of a height similar to that of the neighbouring properties and given the topography and the orientation of the road, the properties on the opposite side from the site are unlikely to be affected. The creation of a new vehicular access for a single car is unlikely to give rise to a significant loss of on-street parking, likewise there is no evidence that highway safety would be compromised by a small increase in vehicular access to the site.

Conditions

25. The Council have suggested several conditions which I have considered against the advice in the Planning Practice Guidance (PPG) and the tests set out in the National Planning Policy Framework (the Framework). For clarity and to ensure compliance with the tests, I have amended some of the suggested wording. In addition to the standard time limit condition (1), I have imposed condition 2 requiring the development to be carried out in accordance with the approved plans as this provides certainty. Condition 3 is imposed to ensure appropriate flood risk management and drainage can be secured before the dwelling is constructed but does not prevent commencement of the site preparation works.
26. Condition 4 is required for the benefit of legally protected wildlife species and to provide biodiversity enhancements. The proposed development was not exempt from a requirement for biodiversity net gain (BNG) and the appellant has accordingly submitted a Devon BNG Statement. Schedule 7A Part 2 of the Town and Country Planning Act 1990 sets out the legislative details regarding implied conditions on the grant of planning permission. In this instance paragraph 13(2) applies in respect of BNG. In this instance the Council acknowledges that the appellant committed to some on-site biodiversity enhancement, secured through condition and some off-site delivery, by creating and enhancing off-site habitats, to be secured through the submission of a Biodiversity Gain Plan for approval by the Council prior to commencement of the development and a planning obligation.

27. Conditions 5 and 6 are necessary to protect trees and to ensure that the character and appearance of the area is maintained.
28. I have not included the condition relating to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances.
29. The Council have not provided a clear justification why permitted development rights of the type described in Classes AA and B of Part 1 and Classes H and I of Part 14 of Schedule 2 should be removed, stating only that the Council wish to retain strict control over external changes to the property as a result of extensions and alteration, in the interests of the visual amenity of the area. Given that permitted development rights are in themselves prescriptive and set limits to the extent of development, predominantly in respect of scale and appearance, the suggested condition removing permitted development rights is neither necessary nor appropriate.

Conclusion

30. For the reasons given above the appeal is allowed.

F Webber

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - S1 – Location plan
 - PL3 – Proposed site plan
 - PL4 – Proposed elevations
 - PL5 – Proposed plans
 - PL6 – Proposed garage and drive
 - PL7 – Landscaping plan
 - 06131 AIA TPP 14.5.24 – Tree Constraints Plan
- 3) No works above ground level shall be carried out following the demolition of the existing garage, until a detailed surface water drainage scheme and management and maintenance scheme for the site, as recommended by the Flood Risk and Drainage Assessment and Appendices (by CASE Consultants, dated 31 October 2024) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved surface water drainage scheme and thereafter maintained in accordance with the approved scheme of management and maintenance.
- 4) The works hereby approved, including any demolition, vegetation clearance and under-felting, shall be carried out in accordance with the precautions, measures and enhancements described in the protected species survey report (by South West Ecology, dated 12 October 2024).
- 5) The works hereby approved shall proceed in strict accordance with the details shown on the Tree Protection Plan (drawing no. 06131 AIA TPP 14.5.24).
- 6) Prior to the dwelling hereby approved reaching damp-proof course level, full details and/or samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.