

Appeal Decision 01/04/2018 - 31/03/2019						
Application Number	Appeal Number	Delegated or Committee Decision	Recommendation Approved or Overturned	Type of Development	Reasons for Refusal	Inspector's Decision
Decisions Made by Planning Committee						REASON
17/00618/MAJ	18/00040/REF	COMM	OVERTURNED	Q1	Road unsuitable for level of traffic generated by 32 dwellings.	ALLOWED Main issue – likely effect on highway safety along Howton Road including the junction with Mile End Road. Predicted traffic flows indicate increase in conflict between pedestrians/cyclists are likely to be very low. The Appellant has suggested various improvement works to Howton Road/Mile End Road to include a priority system along Mile End road as well as improvement to visibility for drivers emerging from Howton Road. Therefore without setting aside the concerns of local residents the Inspector decided there is a greater weight of evidence to support the argument that permission should not be withheld on highway grounds. The proposal accords with the transport/highway provisions of LP policies S1, S2, S9 and S14
17/02118/MAJ	18/00041/REF	COMM	OVERTURNED	Q1	Access drive not up to standard without detrimental effect on setting of and approach to Listed Building. Private Drive - Visibility.	ALLOWED Main issues – highway safety, adequacy of the private drive as access and effects on the setting of Grade II Listed Building. No highway safety concerns as there is a good prospect that suitable alterations to the junction of the private drive with Newton Road could be achieved - no conflict with Policy S1 or NPPF. As the site was allocated for housing in the DP it is reasonable to assume the effect on the setting of the LB was part of the balance of considerations. With only up to an additional 30 dwellings proposed it is considered that the private drive would maintain its quiet character and, provided adequate parking is secured on site there should be no excessive off-site parking, therefore the Inspector decided that the private drive would be adequate to serve the development and that the setting of Indio House would not be harmed – no conflict with policies S1, S2 or EN5
17/03031/FUL	18/00039/REF	COMM	ACCEPTED	Q18	Dwelling in the countryside not justified by agricultural need.	ALLOWED Intense, skilled and unpredictable nature of the work, combined with the absence of suitable alternative provision, clearly demonstrates that there is an essential need for a rural worker to live at the appeal site for a period of three years. The scheme therefore accords with the relevant provisions of LP policy WE9 and of NPPF paragraph 79(a).
17/01346/FUL	18/00009/REF	COMM	OVERTURNED	Q18	Residential use in the countryside, Committee not satisfied requirements for an exception (Policy WE9) have been met.	ALLOWED the variable and unpredictable nature of the work to which the development proposed would relate, its present and forecast intensity, and a reasonable prospect of continued viability are collectively sufficient to demonstrate an essential need for a rural worker to live at the appeal site for three years. The proposal is therefore in accordance with the relevant provisions of LP policy WE9 and NPPF paragraph 79(a).
17/03073/FUL	18/00030/REF	COMM	OVERTURNED	Q20	Adverse effect on residential amenity and character of the area.	ALLOWED The Inspector decided that an additional two occupants at the HMO would not have a harmful effect on the living conditions of nearby residents and would have an acceptable effect on the character and appearance of the area therefore not conflicting with policies S1 or S2

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Decisions Made By Officers							
17/02709/FUL	18/00017/REF	DEL		Q13	The proposal constitutes poor design. The proposal would have an unacceptable and incongruous effect on the locality which would fail to enhance or better reveal the significance of the Conservation Area contrary	ALLOWED	The proposal would accord with Policy EN5 of the Teignbridge Local Plan 2013-2033 (LP) which seeks to secure the protection and enhancement of the area's heritage, including the significance, setting and distinctiveness of any affected heritage asset, and ensure development responds positively to the local historic environment. It would also comply with those aspects of LP Policies S1 and S2 of the Teignbridge Local Plan which seek to ensure that the development is of a high quality that integrates into the built environment, responding to the character and appearance of the area and maintains the character, appearance and historic interest of the street scene. My attention has not been drawn to any other policy conflicts and, therefore, I also conclude that the proposal accords with LP Policy S21A that permits development in this location where it accords with other policies in the development plan. With the exception of one ground floor window, all side windows would be obscure glazed and, therefore, subject to boundary treatment being confirmed, the privacy of adjoining properties would be preserved. The dwelling would extend further back than either of the adjoining dwellings, but the size of the gardens and general arrangement of the properties would mean that there was no harm the neighbours' outlook. Therefore the living conditions of adjoining properties would be preserved.
17/02849/VAR	18/00024/REF	DEL		Q18	The removal of conditions 3 and 4 of permission 11/01085/COU would result in the creation of an unrestricted dwelling in the open countryside beyond any defined settlement limits.	ALLOWED	Given the location of the site relative to the local facilities and services, the permanent occupation of the building will lend support to local services, helping to meet the social and economic needs of the settlement. Furthermore, future occupiers are unlikely to be wholly reliant on the private motor car in order to access day to day services. As this is an existing converted building, it would not conflict with those aims of Policy S22 which relate to environmental matters. As there are no external changes proposed, there would be no effect on the character and appearance of the area generally or the nearby conservation area. It would, however, contribute to the local economy and thereby comply with the overall aims of Policy S22.
16/03079/FUL	17/00077/REF	DEL		Q18	The proposals would harm the policy objective of Policy S22.	ALLOWED	It seems far more likely that the use of the refreshments business would be made by existing walkers and cyclists rather than people making a specific journey to the proposed business. It follows that the tranquillity and character of the area would not be compromised by the presence of the refreshments kiosk. Similarly, as I have found that the proposed use would not generate a significant number of trips by itself it also follows that it cannot be construed to be unsustainable in the number of trips generated. As the use would not generate a significant amount of trips, and as parking would be provided, I consider that dangerous parking on the public highway would be extremely unlikely.
17/02896/VAR	18/00018/REF	DEL		Q18	Removal of conditions would create an unrestricted dwelling in the countryside. Council can already demonstrate five year land supply.	ALLOWED	I have identified above that the proposal would not accord with certain elements of the development plan and of the NPPF. However planning presently accords support to the conversion of barns to dwellings in-principle, disputed conditions 3 and 4 are such that the barn may presently be occupied on a basis which approaches permanent residential use, and I am not of the view that any substantive planning harm would result from the proposal (whether economically, in terms of attracting traffic to the site, in other respects such as to character and appearance or residential amenity, or by consequence to the integrity of the development plan).
17/01886/FUL	18/00004/REF	DEL		Q18	Proposal would result in an unsympathetic change of use of a large area of land designated as open countryside to domestic curtilage. Retention of the building is unsympathetic to the character and appearance of the natural landscape and the Denbury Conservation Area.	ALLOWED	There is no significant harm to the character and appearance of the area and, given that alterations and extensions to dwellings are permissible under the policy, I judge that the proposals to extend the residential areas of two existing dwellings, and erect a garden building, are not contrary to the objectives of Policy S22 and those of the wider development plan in the circumstances of this case

18/00313/FUL	18/00029/FAST	DEL		Q21	Unacceptable level of overlooking, loss of privacy and amenity.	ALLOWED	The main issue in this appeal is the effect of the development on the living conditions of neighbours, with particular regard to privacy. Given that the principal ordinary use of decking is as an outside seating area, it seems unlikely to me that noise generated during its use differs significantly from that which would arise if the decking was constructed at ground level. Though the elevated position might result in sound travelling further than might otherwise be the case, I consider that such an effect would be sufficiently modest that an unacceptable degree of disturbance to neighbours is unlikely to arise. The masonry walled, flat roofed store built beneath the decking appears to be structurally independent of the decking itself, and fills what was, or would have been an otherwise accessible void. It has solid doors to either end which are positioned below or behind the plot boundaries. As such I could not, and cannot identify any obvious adverse effect that its construction has had on the privacy or living conditions of neighbours. Subject to the mitigation referred to above, I find that the development would not be in conflict with Policies S1 and WE8 of the Teignbridge Local Plan 2013-2033 (the LP), which amongst other things seek to avoid adverse impact on the amenity of neighbouring properties; the National Planning Policy Framework insofar as this also sets out objectives with regard to amenity; or Policy S1A which requires general conformity with Local Plan policies.
18/00315/FUL	18/00028/FAST	DEL		Q21	Will result in an undue loss of outlook for a habitable room, with a loss of light and will be overbearing to the occupier. Affect on adjacent rail track.	ALLOWED	The main issue is the effect of the proposed development on the living conditions of the occupiers of No 124A Torquay Road with particular regard to outlook and light. I do not consider the proposed extension would have a detrimental impact on either outlook or light. As such, I find no conflict with Policies D1 or WE8 of the TLP which, amongst other things, seek to protect against such harm. In addition, I find no conflict with Policy S1A of the TLP which sets out the Council's presumption in favour of sustainable development nor do I find any conflict with Policy NANDP2 of the Newton Abbot Neighbourhood Plan which, amongst other things, seeks to ensure that new housing development is of a high quality design which reflects local character and context and creates a strong sense of place
17/02974/FUL	18/00015/FAST	DEL		Q21	Loss of openness which makes an important positive contribution to the character and appearance of the Conservation Area.	ALLOWED	the appeal site is sandwiched between two buildings and cannot be described as being particularly prominent. Nor is it an important part of a run of open garden areas. Whilst there are two more open areas to the west of the boathouse, beyond these the riverside frontage is built up. I also note that these two plots have small sheds and one has a close boarded fence which decreases the impression of openness. Only a very small area of the appeal site would be given over to storage and views of the estuary would still be available in either direction as, notwithstanding the small storage area, the development itself would be an open pergola style structure. In being used to store a boat and/or car, the appeal site would to an extent be returning to its original form of use, as detailed in the SCACA. It follows that the character and appearance of the conservation area would be preserved. There would therefore be no conflict with policies S2 or EN5 of the Teignbridge Local Plan 2013-2033. The former of these requires that development integrates with the character of the adjoining built and natural environment whilst the latter requires that development should take account of the significance, character, setting and local distinctiveness of any affected heritage asset.
17/02093/FUL	17/00078/FAST	DEL		Q21	Unacceptable overlooking to the occupiers of the neighbouring property.	ALLOWED	In view of the above assessment, and given that the design of the raised decking and railings appears appropriate in all regards except for the privacy screen, I consider that the development could be made acceptable through installation of a screen of durable design and construction. This could be secured by a condition requiring remedial action according to a design and timetable approved by the Council.
18/00969/FUL	18/00054/FAST	DEL		Q21	Harm the character and setting of the adjoining Grade II listed Eastdon Farm Cottage.	ALLOWED	Whether or not the proposal would preserve the setting of Grade II Listed neighbour. With regard to the design of the proposal, its visibility, and the varied architectural surrounds, any effects would be of no real significance. The Inspector concludes the proposal would preserve the setting of the LB.
17/02644/FUL	18/00021/COND	DEL		Q21		ALLOWED	Given my reasoning above regarding the limited visual prominence of the development proposed and eclectic aesthetic of nearby properties, in my view either material or finish set out on the original application, with details submitted via the subsequent application, or a metal roof would sit entirely comfortably within its surroundings (in accordance with the relevant provisions of LP policies S1 and S2 and paragraph 127 of the NPPF). In that context, and as there is nothing to indicate that there is an existing requirement for windows at Riversmede to be obscured, undertaking the development proposed in the absence of condition 3 would not entail unacceptable effects to the privacy from which the occupants of Timberscombe currently benefit.
18/01217/ADV	18/00047/CAS	DEL	ACCEPTED	Q22	Dominant and overbearing impact on the street scene. Unacceptable impact on public safety.	ALLOWED	The main issues are the effects of the advertisement on the amenity of the area and on public safety. Whilst of differing designs, in overall height, bulk and siting certain signs nearby are not dissimilar from the scheme to which this appeal relates. The advertisement is not excessively or unduly prominent, and is sufficiently separated from other similar signage so as to avoid undue accumulative effects. The Inspector therefore concludes that the advertisement integrates appropriately with local amenity. As the advertisement sits relatively comfortably in its surroundings, is designed and located such that it does not impede views of the road network, sightlines, or associated signs, The Inspector concludes that the advertisement does not have unacceptable highways effects (or otherwise in public safety).