
Appeal Decision

Site visit made on 15 November 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2016

Appeal Ref: APP/P1133/D/16/3158655

Maytime, 15 Southdowns Road, Dawlish, Devon EX7 0LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Nolan & Sophie Lovell against the decision of Teignbridge District Council.
 - The application Ref 16/00479/FUL, dated 17 February 2016, was refused by notice dated 23 June 2016.
 - The development proposed is described on the application form as "*First floor extension above existing flat roofed garage and utility area to form fourth bedroom with ensuite, re-model kitchen and utility area, replace window with patio doors from bedroom onto flat roof balcony and form raised decking area.*"
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and formation of raised decking area at Maytime, 15 Southdowns Road, Dawlish, Devon EX7 0LB in accordance with the terms of the application, Ref 16/00479/FUL, dated 17 February 2016, subject to the following 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 the following approved plans: Site Location Plan, DRG 001, DRG 002, DRG 003, DRG 004 and DRG 005.
 - 3) The materials to be used in the construction of the external surfaces of the first floor extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the side elevation of the extension.

Preliminary Matter

2. I have altered the description of the development to that used by the Council in their decision notice as this adequately and accurately describes the development.
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Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring properties with respect to their outlook and privacy.

Reasons

4. The site accommodates a detached house in a row of similarly detached properties. The neighbouring property to the north at No 13 is a two storey dwelling and is separated from the site by a footpath. The neighbouring property to the south at No 17 is a bungalow.
5. The proposed first floor extension would be constructed above the existing flat roofed garage. There is a short parapet wall around the roof of the garage and the development would effectively result in this wall being increased in height by around two metres, topped with a hipped roof. There would be a gap of approximately five metres between the flank elevation of the extension and the nearest part of the neighbouring dwelling at No 13.
6. The house at No 13 has six windows on its side elevation facing the appeal site; three at first floor level and three at ground floor level. Its entrance porch is also on this side. Four of the six windows appear to serve rooms which are also served by windows on either the front or rear elevations of the house. As such, though the proposed first floor extension would appear prominently from these four windows, this would not be the only outlook possible from these rooms. The other two windows are centrally position in the side elevation. The window at ground floor is small and does not appear to serve a habitable room. The appellants advise that the central window at first floor level serves the landing and whilst this may be true I could not be certain of this from my site visit.
7. Nonetheless, I consider that the distance between the two properties and the hipped roof design of the extension mean that it would not appear overbearing or dominant when seen from the windows on the side elevation of No 13 and so the outlook from these windows would not be detrimentally affected by the proposal. Furthermore, the fact that most of the rooms served by the side facing windows are also served by windows on other elevations adds to my view that the living conditions of the occupiers of this neighbouring property would not be adversely affected by the development.
8. The proposals also include the provision of a raised decking area to the rear of the house. This would be at ground floor level but, due to local topography would be around one metre higher than the rest of the garden. The southern boundary of the site is demarked by a low brick wall and occasional bushes and so there is a view into the rear garden of the property at No 17. However the view from the decking would primarily be of a narrow strip of the neighbouring garden which is mainly taken up by planting and not readily used as a sitting out or amenity area. As such it is unlikely that the view from the decking would harmfully affect the privacy of the occupiers of this adjacent bungalow when in their garden. Moreover, as the proposed decking would represent an extension of an existing raised patio area it is unlikely that the development would significantly change the current intervisibility between the two gardens.

9. In conclusion, the first floor extension would not have a harmful effect on the living conditions of the occupiers of No 13 in respect of their outlook, and the raised decking would not have a harmful effect on the occupiers of No 17 in respect of their privacy. Accordingly the proposal would accord with Policy WE8 of the Teignbridge Local Plan which aims to protect the living conditions of neighbours.

Conditions

10. I have considered the condition suggested by the Council regarding the need for a privacy screen to be installed on the decking. However, as set out above, I do not consider the use of the decking would lead to any material loss of privacy by the neighbouring occupiers. As such I do not consider this condition is necessary and so it does not meet the requirements of the Planning Practice Guidance (PPG) or the National Planning Policy Framework (the 'Framework').
11. In accordance with the requirements of the PPG and the Framework I have imposed the standard condition relating to the commencement of development. I have also attached a condition specifying the relevant plans in order to provide certainty, a condition relating to construction materials in the interests of maintaining the character and appearance of the area, and a condition preventing the insertion of windows in the side elevation of the extension to protect the privacy of the neighbouring occupiers.

Conclusion

12. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR