
Appeal Decision

Site visit made on 28 February 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 08 March 2017

Appeal Ref: APP/P1133/D/16/3166206

Finola, Fore Street, Bishopsteignton, Devon TQ14 9QZ

- 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 Simon Lovell against the decision of Teignbridge District Council.
 - The application Ref 16/02346/FUL, dated 21 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion at Finola, Fore Street, Bishopsteignton, Devon TQ14 9QZ in accordance with the terms of the application, Ref 16/02346/FUL, dated 21 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/10/1 Revision B, 2016/10/2 Revision B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows shown on the approved drawings to be fitted with obscure glazing have been so fitted, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Application for costs

2. An application for costs was made by Mr Simon Lovell against Teignbridge District Council. This application is the subject of a separate Decision.
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Procedural matter

3. During the consideration of the application amended plans were submitted to the Council reducing the size of the window in the east elevation at first floor. The Council made its decision on the basis of these revised plans and I will do so also.

Main Issue

4. The main issue is the effect on the living conditions of the occupiers of Stoke View in terms of privacy.

Reasons

5. Finola and Stoke View are both bungalows located to the south of Fore Street, and are accessed through a garage court. Both are located at a lower level than Fore Street. Finola is located on the west side of the access drive and Stoke View on the east, with Finola located slightly further to the south than Stoke View.
6. The proposal is to convert the roofspace of Finola to habitable accommodation. This would be facilitated by converting the eastern hipped roof to a gable and installing a dormer in the southwestern part of the roof. Various windows would be installed in the roofplanes, and these are shown to be finished with obscure glass.
7. In the proposed gable a window would be installed at first floor level extending up to the apex. The Council's objection is to overlooking from this window which would be clear glazed.
8. The proposed window would overlook the rear garden area of Stoke View. However, this cannot be described as an area where the occupier already has any degree of privacy. Anybody, such as those delivering to either property, can already see directly into this area. There is no particular marked boundary between the two properties, which is essentially open over the most part. At the site visit I looked from the existing conservatory on the east side of Finola and could see directly over the whole of the rear garden of Stoke View. While the proposal would introduce an additional window, there would be no additional loss of privacy.
9. As such there would be no additional harm to the living conditions of the occupiers of Stoke View. Therefore the proposal would comply with Policy WE8 of the Teignbridge Local Plan 2013-2033 in that the proposal would not reduce the level of privacy enjoyed by neighbouring properties. It would also comply with paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for all existing occupants of land and buildings.

Other matter

10. The site is located within the Bishopsteignton Conversation Area (the BCA). While the proposal would alter the roof form of the existing building, the change would be in keeping with the overall character and appearance of the Conservation Area, to which special attention should be paid. These aspects , and the overall significance of the BCA, would thereby be preserved.

Conditions

11. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
12. I have also imposed a condition requiring the materials to match the exiting building to ensure that the resulting building is in keeping with the character and appearance of the BCA. In addition, in order to protect the living conditions of the occupiers of other adjoining properties from overlooking, the windows shown to be obscure glazed on the application drawings need to be so glazed.
13. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR