The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/W1145/D/17/3169082
1 Highfield, Northam, Bideford EX39 1BB

- 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 Ray Maine against the decision of Torridge District Council.
- The application Ref 1/1087/2016/FUL, dated 20 October 2016, was refused by notice dated 16 January 2017.
- The development proposed is alterations to form balcony with bi fold doorset.

Decision

1. The appeal is allowed and planning permission is granted for alterations to form balcony with bi fold doorset at 1 Highfield, Northam, Bideford EX39 1BB in accordance with the terms of the application Ref 1/1087/2016/FUL, dated 20 October 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: 2002 –D01 Rev A and the location plans.

Procedural matter

2. Two drawings titled 'Proposed Plan and Elevations' were submitted and referred to in the Council's decision notice. The parties have confirmed that the Council's decision was based on drawing number 2002 –D01 Rev A. I have therefore based my decision on this drawing.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 2 Highfield with regard to overlooking.

Reasons

4. The appeal property is a detached dwelling. It is essentially single storey, although at the front it is raised up above the driveway level. There is a garage attached to the side of the house at the lower driveway level. The Council has recently granted planning permission for development which included a side extension above the garage. That extension incorporated a Juliet balcony to the front with full width opening doors.

5. The appeal property and the adjacent 2 Highfield are both accessed from a shared private drive. The front of No.2 is given over almost entirely to parking

and vehicle manoeuvring space. This neighbouring dwelling also has a rear garden of relatively generous proportions.

6. The appeal scheme would introduce a balcony to the front of the side extension in place of the Juliet balcony. From the balcony there would be views towards the parking area to the front of No.2. This area can already be overlooked from an existing area of balcony at the front of the appeal property. Therefore, while No.2 is located at the end of a private drive, its front garden area is not private.

7. The proposed balcony would be closer than the existing balcony and at a slightly higher level. However the increased effect of overlooking would not be significant when taking account of the use of this front area and that the occupants of No.2 would retain a rear garden area that would be unaffected by the development.

8. I therefore conclude that the development would not result in unacceptable harm to the living conditions of the occupiers of No.2. Thus there would be no conflict with Policy DVT11 of the Torridge District Local Plan which requires that development maintain standards of amenity for neighbours appropriate to the locality. The development would also accord with the aims of the National Planning Policy Framework to secure good design and a good standard of living conditions for occupants of land and buildings.

9. I have imposed a condition specifying the relevant plans as this provides certainty. I note the appellant has indicated a willingness to accept the requirement to provide a taller screen to the side of the balcony. However, as the front of No.2 is already overlooked, and it is primarily used for parking of vehicles, I do not consider that such a condition is necessary to allow the development to proceed.

10. For the above reasons, I consider that the development accords with the development plan when taken as a whole. I conclude that the appeal should be allowed.

K Taylor

INSPECTOR