
Appeal Decision

Site visit made on 8 August 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/P1133/D/17/3178950

Hilltop, Teign View Road, Bishopsteignton, Devon, TQ14 9SZ.

- 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 Bernard Sullivan against the decision of Teignbridge District Council.
 - The application Ref. 16/02252/FUL, dated 11/8/16, was refused by notice dated 1/6/17.
 - The development proposed is modernisation and extension of an existing chalet bungalow and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the modernisation and extension of an existing chalet bungalow and associated external works at Hilltop, Teign View Road, Bishopsteignton, Devon, TQ14 9SZ. Permission is granted in accordance with the terms of the application Ref. 16/02252/FUL, dated 11/8/16, subject to the conditions below.
 1. The development hereby permitted shall begin before the expiry of three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following drawings: 1:200 scale site plan and drawings refs. PR.01B, PR.02B, PR.03B, PR.04B, PR.05B, PR.06B, PR.07B and PR.08B.
 3. No development shall commence until details or samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
 4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings, other than those shown on the approved drawings, shall be inserted in the side elevations of the dwelling.
 5. Obscure/opaque glazing/panels shall be fitted to: a) the first floor windows to the breakfast area on the side elevation facing 23 Teign View Road and; b) the balustrade to the balcony and patio area facing 25 Teign View Road. Such glazing/panels shall be retained in situ thereafter.

Reasons

2. I agree with the appellant that this mid-20th century dwelling with dormer windows has an unremarkable design. It occupies a steeply sloping site within an area that contains dwellings of various styles and sizes, some of which have balconies and flat roof additions. Nos.16 and 60 have contemporary designs.
3. The proposal would entail remodelling the existing dwelling and, in effect, would create a two storey house. This would have a modern design with a mix of flat and pitched roofs, a two storey tower feature with roof lantern, some full height windows, bay windows and pitched roof dormers. It would add architectural interest to the settlement and enhance the street scene.
4. The 'footprint' of the dwelling would be enlarged but space would be retained around the building to avoid creating any cramped or 'overdeveloped' impact. The proposal would accord with national and local planning policies¹ that are aimed at securing good design and safeguarding environmental quality.
5. The proposal would increase the mass of building on the site. However, as shown on the submitted drawings, the bulk and profile would not be too dissimilar to the existing dwelling. The exception would be the tower feature. However, this would be a minor part of the enlarged building and would be set well back from neighbouring properties so as to avoid any overbearing impact.
6. As I saw during my site visit, the rear gardens of the neighbouring properties at Nos. 23 and 25 are already overlooked from windows and part of the rear garden of Hilltop. The proposed balcony and new rear windows (including the side windows to the sun lounge) would have the potential to increase the extent of overlooking. However, given the existing situation and the strong likelihood that residents would take advantage of the stunning estuary views rather than peering down and across into neighbouring rear gardens, the proposal would be unlikely to result in any significant loss of privacy for those living alongside. I also note that the submitted drawings appear to show opaque panels at the end of the balcony and ground floor patio facing No.25.
7. The proposed first floor windows to the breakfast area would overlook the front garden of No.23. At present, this neighbouring garden space is somewhat secluded (private) and the proposed first floor windows in the flank wall of the altered dwelling could result in a significant loss of privacy for the occupiers of No.23. Whilst the current occupier of this neighbouring property appears unconcerned by this matter the situation could change once the development has been completed. A planning condition requiring this facing window to be fitted with obscure glazing would therefore be necessary to safeguard the living conditions of existing and future occupiers of No.23. In so doing, the proposal would accord with national and local planning policies² that are aimed at providing a good standard of amenity for residents.
8. To safeguard the character and appearance of the area planning conditions would be necessary requiring the submission and approval of details of the materials to be used in the external finish of the altered building. In the interests a certainty a condition would also be necessary specifying the approved drawings. A condition controlling any additional openings in the flank

¹ S1(g), S2 and WE8 of the Teignbridge Local Plan. No conflict has been identified with the Bishopsteignton Neighbourhood Plan.

² Local Plan policies S1 (e) and WE(c)(iii).

walls of the building would also be necessary to safeguard the living conditions of neighbouring residents. However, there are no exceptional circumstances to justify removing any other permitted development rights.

9. The proposal would not harm the character or appearance of the area and, with the use of appropriate planning conditions, would safeguard the amenity of neighbouring residents. The appeal scheme comprises sustainable development that complies with relevant national and local planning policies.
10. Given all of the above I conclude that the appeal should succeed.

Neil Pope

Inspector