

Appeal Decision

Site visit made on 7 November 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 21st November 2017

Appeal Ref: APP/X1165/D/17/3180501

68 Lyme View Road, St Marychurch, Torquay TQ1 3TS

- 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 Miss Joanne Chadwick against the decision of Torbay Council.
 - The application Ref P/2017/0026, dated 11 January 2017, was refused by notice dated 12 May 2017.
 - The development proposed is two storey extension, balcony and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of No 12 Locks Close, with particular regard to privacy and outlook.

Reasons

4. The Council accepts that the extension is of a suitable size, scale and visual appearance and would appear subservient to the existing dwelling. However, it raises concerns in respect of the proposed balcony and its impact on the outlook and privacy of the occupiers of No 12 Locks Close ("No 12").
5. In terms of privacy, in view of the differences in levels between the properties on Locks Close and those on Lyme View Road, the garden of No 12 is overlooked from both within the appeal property and its rear outside space. However, the boundary fence and shrubs go some way to limit overlooking from outside while the first floor patio doors in the rear elevation of the appeal property do not appear prominent or overbearing. Although privacy is compromised, the relationship between these properties is a sensitive one and, at present, the appeal property does not unacceptably intrude into the outdoor area of No 12 or materially erode the enjoyment of this space.

6. The introduction of a glazed balcony spanning a considerable width of the rear elevation would further reduce the already limited privacy levels which currently exist. When coupled with the additional glazing proposed, it would considerably alter the relationship between these properties to the detriment of the occupiers of No 12. It would intrude into the area from an elevated position and emphasise the lack of privacy within the surrounding space. Although I note the garden of No 12 is also overlooked by No 70 Lyme View Road, the increased distance helps ensure that both privacy and outlook remain within acceptable levels. This would not, however, be the case for the proposed balcony. It would dominate the garden area of No 12 so that even when not in use, its presence would negatively impact on the enjoyment of that space.
7. While I accept that in view of the topography there will, in many cases, be limited privacy along Locks Close, that does not provide sufficient justification for the further erosion of the limited sense of privacy that remains. Likewise, while I note the other examples of balconies referred to by the appellant, they do not appear, from the limited information available, to be comparable in terms of either their impact on outlook and privacy. As such, I do not consider they provide a justifiable precedent for the development proposed. In any event, each case should be determined on its own merits and that is the approach I have taken in this appeal.
8. Consequently, I consider the proposal would materially erode the existing levels of privacy currently enjoyed by the occupants of No 12 Locks Close and would negatively impact on their outlook. As such, it would be in conflict with Policies DE1, DE3 & DE5 of the Torquay Local Plan 2012 -2030. These Policies, taken together, seek to ensure that new development is well designed and does not unduly impact on the amenities of nearby properties in terms of, amongst other things, privacy and outlook,

Conclusion

9. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR