



Appeal Decision

Site visit made on 4 November 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/P1133/D/19/3238861

Grasshoppers, Higher Woodway Road, Teignmouth TQ14 8RB

- 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 Graham Mathieson against the decision of Teignbridge District Council.
 - The application Ref 19/01132/FUL, dated 31 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a two storey side extension to east elevation and extended balcony to south.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension to east elevation and extended balcony to south at Grasshoppers, Higher Woodway Road, Teignmouth TQ14 8RB in accordance with the terms of the application, Ref 19/01132/FUL, dated 31 May 2019, 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: 2106.01; 2106.03 rev C; 2106.04 rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matters

2. The description of development on the application form includes the words 'amendment to reference 18/01975'. However, that is not an act of development so I have not included those words in my heading or formal decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of 23 Higher Woodway Close with particular regard to privacy.

Reasons

4. The Council has previously granted planning permission for a two storey side extension at the site, referenced 18/01975/FUL (the previous permission).

That previous permission established that the main two-storey part of the extension was appropriate, including its effect on access and vehicle movements, and the living conditions of the occupiers of the neighbouring property known as Kenton. There is no particular evidence that if permission were to be refused for the present scheme that earlier proposal would not be constructed, so I attribute it and any effects to Kenton that have already been accepted, substantial weight.

5. The proposal before me differs from the previous permission by proposing a wider area of front balcony, such that it would extend across the entirety of the dwelling. Steps from the garden would also be constructed. These additions would be on the opposite side of the dwelling to the boundary with Kenton and, therefore, I find that there would be no substantially different effect on the living conditions of the occupiers of that property when compared to the previous permission.
6. No. 23 Higher Woodway Close, adjoining the opposite side of the site, sits at a lower level and is separated from the appeal site by a wall. The garden of No. 23 would align with the extended balcony. Having stood on the existing balcony and in that neighbouring garden, I find that it is possible to see somebody standing close to wall on the far side of the garden. It is not possible to observe general activities in the garden or somebody standing slightly further away from the far wall, towards the centre of the garden.
7. Whilst the proposed balcony would be deeper than the existing one, and thereby closer to the boundary with No. 23, it would not be so much closer to afford a substantially greater view into the garden. Furthermore, much of the deeper balcony was permitted under the previous permission when such a relationship was accepted. The additional length of balcony, whilst directly aligned with the boundary to the garden of No. 23, would not significantly, if it all, increase the amount of garden that was visible by the occupiers of Grasshoppers. Views from the steps could be sufficiently screened by the wall.
8. I, therefore, find that there would be no harm to the living conditions of the occupiers of No. 23 as a consequence of the proposal. Accordingly, there would be no conflict with those aims of Policy S1 or WE8 of the Teignbridge Local Plan 2014 that seek to protect the privacy of neighbouring residents.
9. A plans condition is required in the interests of certainty. A condition to require the external materials of the extension to match those of the existing dwelling is necessary to protect the character and appearance of the area.
10. For the above reasons, the appeal is allowed.

M Bale

INSPECTOR