



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: 3 December 2019

Appeal Ref: APP/X1165/D/19/3238571

18 Maple Road, St Marys With Summercombe, Brixham TQ5 0DG

- 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 Stewart Ratcliff against the decision of Torbay Council.
 - The application Ref P/2019/0486, dated 6 May 2019, was refused by notice dated 30 August 2019.
 - The development proposed is to install a balcony around the flat roof extension to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted to install a balcony around the flat roof extension to the rear of the property at 18 Maple Road, St Marys With Summercombe, Brixham TQ5 0DG in accordance with the terms of the application, Ref P/2019/0486, dated 6 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: 00418653-CC4EF6; P2019-0486-11; P2019-0486-12; P2019-0486-13; P2019-0486-14; P2019-0486-1; P2019-0486-3; P2019-0486-4; P2019-0486-5; P2019-0486-6; P2019-0486-7; P2019-0486-8; P2019-0486-9.
 - 3) The side elevations of the development hereby permitted shall be fitted with obscure glass of a type that shall first have been submitted to and approved in writing by the Local Planning Authority. The obscure glass shall be installed at the full height shown on the plans hereby permitted prior to the balcony area being brought into use and shall thereafter be maintained as such.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring residents with particular regard to outlook.

Reasons

3. 18 Maple Road is a two-storey semi-detached dwelling. A single storey projection has been added to the rear, extending out into a long rear garden. The length of garden and those of the adjoining neighbours gives an open, spacious outlook to the surrounding dwellings. The dwelling is level with its

attached neighbour and slightly higher than the that on the opposite side which also has a conservatory projecting from the rear.

4. The proposed privacy screens are necessary to prevent a loss of privacy to the neighbouring properties. Whilst they would increase the height of the flat roof, they would be relatively light weight in appearance and not overly dominating. There is no clear evidence that they would be particularly visible or perceptible from within the ground floor rooms of the neighbouring properties, which would experience the greatest effect from any additional height. Relative to the garden size, the ground floor projection on which the privacy screens would be positioned is small and so the general open outlook from the rear of the neighbouring properties would be preserved.
5. I, therefore, find that the proposal would not be overbearing on the neighbouring properties so as to harm their outlook or general living conditions. There would, therefore, be no conflict with those aims of Policies DE3 or DE5 of the Torbay Local Plan 2012-2030, or the National Planning Policy Framework, that seek to protect the living conditions of residents.
6. A plans condition is required in the interests of certainty. The Council's appeal questionnaire suggests that a condition is required that the materials used in the external surfaces of the development should match those of the existing building. However, as the proposal is for a metal balustrade with glass sides it will not match as a matter of fact, so such a condition is unreasonable.
7. However, to protect the privacy of neighbouring residents, a condition is required to ensure that the side elevations of the balcony are fitted with obscure glass and are installed to the height shown on the drawings.
8. For the reasons given above, the appeal is allowed.

M Bale

INSPECTOR