



Appeal Decision

Site visit made on 23 November 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/P1133/D/20/3257505

47 Bitton Avenue, Teignmouth, Devon TQ14 8HD

- 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 Peter Townsend against the decision of Teignbridge District Council.
 - The application Ref 20/00935/HOU, dated 8 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is enlarged opening and proposed balcony to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for enlarged opening and proposed balcony to rear of property at 47 Bitton Avenue, Teignmouth, Devon, TQ14 8HD, in accordance with the terms of the application, Ref 20/00935/HOU, dated 8 June 2020, 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: Site location plan and Proposed First Floor Plan & Elevations, Ref. 20/06/02 dated June 2020.
 - 3) Prior to the first use of the balcony hereby approved a 1.7m high privacy screen shall be installed on the eastern elevation in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to its installation. The agreed screen details shall thereafter be retained and maintained as approved.

Preliminary Matters

2. The triple width door opening had been installed prior to my site visit. The opening was enclosed by decorative metal Juliet balcony balustrades.

Main Issues

3. The main issues are:
 - the effects of the proposal on the character and appearance of the host building and surrounding area; and
 - the effects on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal dwelling is an end of terrace dwelling, two storeys to the front and three storeys at the rear owing to the level changes. It is situated within an arrangement of terraces which have a typical front-to-front, back-to-back relationship. To the front, the elevational treatment, building line and front garden enclosures retain a greater degree of consistency. To the rear, and notwithstanding the Council's findings, there are varying building lines with some rear extensions, some balcony or raised decking platforms and other such features. These variations create a difference in the way that each dwelling contributes to the wider street scene and interacts with the service lane to the rear.
5. Due to the siting of the appeal dwelling at the end of the terrace, its rear elevation contributes to the wider area in a more public way. Even with the triple width powder-coated aluminium windows and Juliet balcony, it has an attractive appearance and maintains a sense of proportion despite the opening being larger than those typically found at high level in neighbouring dwellings. The use of soft landscaping measures within the small Juliet balconies (at both first and second floor level) and within the rear garden contribute positively within the street scene.
6. Whilst the depth of the glazed balcony would add a projecting element exceeding the depth of the existing Juliet balcony, this would not be an incongruous feature given the existence of other such similar features and variations to the rear of dwellings in the wider surroundings. The modest bulk of the structure would be marginally more noticeable but the sleek, glazed finish would help to minimise its overall prominence. The resultant development would be contextually appropriate given the range of domestic variations nearby and would be no more discordant than the existing Juliet balcony finish that it would replace.
7. For the above reasons, the proposal would maintain the character and appearance of the host building and surrounding area and would thus comply with Policies S2 and WE8 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014) (Local Plan). These Policies, read together, seek to ensure new development integrates with and complements the character of existing residential areas.

Living conditions of neighbouring occupiers

8. The closest neighbours to the appeal site are No 45 Bitton Avenue (adjoined to the appeal dwelling) and No 1 Park Hill, which adjoins the rear garden boundary wall at a right angle to the appeal dwelling. Given the built-up context of the site and its surroundings, domestic gardens and openings are situated in close proximity to one another.
9. The potential for overlooking back towards rear windows of No 45 Bitton Avenue would be prevented by the introduction of a privacy screen to the side of the balcony. The siting of No 1 Park Hill and the end of terrace position of the appeal dwelling mean that views will largely be directed towards the nearby park and waterscape and would not be materially different to those that are obtainable from the existing Juliet balcony.

10. The introduction of a balcony would enable a small number of people to sit or stand at an elevated position in close proximity to rear windows of neighbouring dwellings. However, its limited depth (of 1 metre) would restrict this to minimal people and limited furniture. Similarly, it would be accessed from a bedroom, restricting the nature in which it would be used and minimising the potential for it to act as an extension of a social space as may be the case were it to lead from a lounge or dining room. It would also be open to the elements and only likely to be used in suitable weather conditions.
11. Given the limited size of the balcony and its intended domestic use in a manner similar to the garden directly below it or the existing Juliet balcony, it would not result in a harmful additional degree of noise or disturbance to the aforementioned neighbouring occupiers.
12. The proposal would therefore comply with, in particular, Policy WE8 of the Local Plan which, amongst other things, seeks to allow for existing dwellings to be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours.

Conclusion

13. For the above reasons, and taking into account all other matters raised, the appeal is allowed.

Hollie Nicholls

INSPECTOR