
Appeal Decision

Site visit made on 7 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/X1165/D/21/3276656
77 Brunel Road, Paignton TQ4 6HY

- 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 and Mrs Redman against the decision of Torbay Council.
 - The application Ref P/2021/0347, dated 2 March 2021, was refused by notice dated 28 May 2021.
 - The development proposed is described as extension and conversion of existing garage to form bedroom, formation of raised decking to rear.
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Decision

1. The appeal is allowed and planning permission is granted for extension and conversion of existing garage to form bedroom, formation of raised decking to rear, at 77 Brunel Road, Paignton TQ4 6HY, in accordance with the terms of the application, Ref P/2021/0347, dated 2 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Except where modified in compliance with Condition 3, the development hereby permitted shall be carried out in accordance with the following approved plan: 1594-21-041A.
 - 3) The privacy screens to the sides of the raised decking hereby permitted shall be obscure glazed at a level sufficient to prevent clear views through; installed prior to the first use of the raised decking; and retained thereafter.

Procedural Matters

2. As originally submitted the scheme included a car port. This was omitted during the course of the Council's determination of the application. I have therefore used the Council's description of development in the banner heading above as it is more accurate, albeit omitting unnecessary reference to the date of revision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 75 and 79 Brunel Road with regard to privacy.

Reasons

4. No 77 is one of a series of closely spaced chalet bungalows. Nos 75 and 79 occupy adjoining plots to either side. As the land falls steeply from front to back the rear elevations are raised, meaning that the ground floors stand reasonably high above the level of the back gardens. The latter are fairly shallow, and paddocks lie beyond.
5. Given both the elevated nature of the rear elevations, and the provision of stepped accesses between ground floor and garden level, a reasonably high level of mutual overlooking of back garden spaces currently exists. This is particularly pronounced in relation to No 79 given that the rear elevation aligns with that of No 77 and the boundary is fairly open. It is less pronounced in relation to 75 Brunel Road which is positioned further forward than No 77.
6. The proposed raised deck would stand at much the same level as the existing landings to the rear of No 77 which serve the steps into the garden. Whilst this means that scope for overlooking of adjoining gardens would be little different from these fixed points, the size of the proposed deck and the nature of its use would provide much greater potential for overlooking than at present.
7. In this regard it is proposed to fit 1.8m high privacy screens to the sides of the deck, and a lower screen to the front. If adequately obscure, the screens to the sides would prevent sideways views, and, insofar as this would be the case, the screens would provide much greater privacy for neighbours than exists at present. The screen to the front of the deck would be primarily required for safety purposes, and at the height shown it would do little to prevent views out when standing.
8. Parts of the gardens of Nos 75 and 79 beyond the screened areas to the sides of the deck could thus be obliquely viewed from various points on the deck. Views would however be towards the lower or far ends of the gardens in question, which do not appear to contain any principal amenity spaces. The main outlook would otherwise be across the paddocks to the rear of No 77, as at present. This and the above being so, when taken on balance, the effects on neighbour privacy would not be unacceptable.
9. For the reasons set out above I conclude that the development would not cause any unacceptable harm to the living conditions of occupants of Nos 75 and 79. The development would therefore comply with Policy DE3 of the Torbay Local Plan 2012-2030, which requires that development should not unduly impact upon the amenity of neighbouring and surrounding uses.

Other Matters

10. Interested parties have raised additional concern in relation to the proposed increase in the height of the garage roof, which is currently the same height as the adjoining garage at No 79. Consistency in the height of adjoining garages appears to be a repeated, albeit minor original feature of the estate's design, maintenance of which is recommended by the Broadsands Village Design Statement, primarily for the sake of safeguarding views and vistas. This was not however a concern shared by the Council when assessing the scheme. Given the modest nature of the change, which would have little effect on the otherwise private views and vistas in question, I see no reason to reach a different view.

Conditions

11. I have imposed standard conditions setting out the time period for commencement of the development and identifying the approved plan for sake of certainty. I have additionally imposed a condition requiring the installation and retention of the privacy screens along the sides of the raised deck. This is in order to safeguard the privacy of occupants of Nos 75 and 79. I have not referenced that along the front as it is not required for this purpose. As the plans make reference to 'obscured glazing' rather than obscure glazing, I have clarified the requirement to provide obscure glazing within the wording of the above conditions. Indeed, glazing obscured by film or similar would be less durable and effective than glazing manufactured to be obscure. In the latter regard I have not referenced 'Pilkington level 4' as it would be unreasonable to require the use of a product from a specific manufacturer. I have however imposed the requirement for the glazing to prevent clear views through in order to ensure that it is effective. This should be simple to enforce.
12. I have not imposed a requested condition related to matching materials as the materials are clearly specified on the approved plan and are not otherwise unacceptable.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR