
Appeal Decision

Site visit made on 8 September 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/P1133/D/20/3252045

Hilary, 15 East Cliff Road, Dawlish, Devon EX7 0DN

- 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 L Hughes against the decision of Teignbridge District Council.
 - The application Ref 19/02456/FUL, dated 4 December 2019, was refused by notice dated 31 March 2020.
 - The development proposed is a ground floor lounge extension with first floor balcony over plus lower ground floor extension to provide additional facilities.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor lounge extension with first floor balcony over plus lower ground floor extension to provide additional facilities at Hilary, 15 East Cliff Road, Dawlish, Devon EX7 0DN in accordance with the terms of the application, Ref 19/02456/FUL, dated 4 December 2019, subject to the conditions contained within the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 11 Meldrum Close with respect to privacy.

Reasons

3. The appeal property is a large, detached house built within a sloping site. The proposed development would see the installation of a lower ground floor underneath the existing decking area with the latter being extended slightly, particularly in a south-east direction. There would also be a single storey rear lounge extension at ground floor level. This latter extension would have a new balcony above it.
4. The existing decking area allows expansive views to the south and it is also possible to see 11 Meldrum Close, the neighbouring property to the east. This latter property has a bedroom window on its west elevation which can be clearly seen from the decking of the appeal property. The distance between the two is about 10m and the window is slightly lower than the line of sight from the decking. The front and rear gardens of No 11 can also be seen from the decking but these are to an extent obscured by existing trees within the boundary of No 11.

5. The proposed development would result in the chamfered south-east corner area of the existing decking moving slightly nearer to No 11, although the actual east side boundary would remain at the same distance.
6. However, my attention has been drawn to the previous planning permission which originally allowed the decking (13/02714/FUL). This permission is a significant material consideration and the drawings submitted with it clearly show that the approved decking does not have a chamfered edge, and that had it been built as approved it would be closer to No 11 than that which is now applied for. It follows that the decking before me would have a lesser impact in terms of privacy than that which has already been approved.
7. The proposed decking would be about 75mm higher than that already in place. However, I do not consider that this would impact so significantly upon the privacy of the occupiers of No 11 that it should be a reason for dismissing the appeal.
8. The proposed development also shows a window in the chamfered south-east elevation of the proposed gym. This would however be at lower ground floor level and would look out towards the fencing and planting at the boundary with No 11. Whilst a view of the bedroom window of No 11 may be available, this would be at a very oblique angle.
9. There would also be a new balcony area over the extended lounge. However, there is already a balcony at first floor level and the proposed one, whilst extending further south, would be on the far side of the house from No 11.
10. To my mind, neither the revised decking, the new window nor the new first floor balcony would lead to any significant reduction to the privacy of the occupiers of No 11. There would therefore be no conflict with policies WE8 or S1 of the Teignbridge Local Plan 2013-2033, both of which, amongst other things, require that development does not reduce the level of privacy enjoyed by the occupiers of neighbouring property.

Conditions

11. The conditions that I have imposed are as suggested by the Council, except for the condition relating to the installation of obscure glazing in the window of the gym as discussed above, which I find unnecessary.
12. In the interest of the final appearance of the development I have imposed a condition requiring that the materials used in the extension match those of the existing property. For certainty I have imposed a condition detailing the submitted drawings that were before the Council.

Conclusion

13. In light of the above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of 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: 19/08/05 proposed ground floor plan, 19/08/06B proposed first floor plan and proposed block plan, 19/08/01A block plan and OS plan, 19/08/08 proposed sections through planters, 19/08/07A proposed elevations, 19/08/04A proposed lower ground floor plan.
- 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.