



Appeal Decision

Site Visit made on 9 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/P1133/D/21/3277489

8 Wilton Way, Abbotskerswell TQ12 5PG

- 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 Joe Seah against the decision of Teignbridge District Council.
 - The application Ref 21/00550/HOU, dated 5 March 2021, was refused by notice dated 26 April 2021.
 - The development proposed is Demolition of existing entrance canopy and construction of new entrance porch with balcony over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, as the provisions in the Framework that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area, with particular regard to the proposed balcony; and
 - the living conditions of adjoining occupiers, with particular regard to overlooking from the proposed balcony to 6 and 10 Wilton Way.

Reasons

Character and appearance

4. Situated in a residential area, the front elevation of the dwelling on the appeal site reflects the consistent mid-century design of nearby properties. Although some have been subject to various alterations and extensions, this does not detract from the locality's coherent rhythm and character. The properties in the same row as the site, which provide the relevant context in which the site is experienced, also have a notably similar appearance and design.
5. On my site visit, no balconies facing the public realm were apparent in the vicinity. I also observed that properties in Grange Road, although built in the same period, have a different design and are not visible in the same views as the site. Accordingly, they have a different context and do not reflect the

particular circumstances of the site. The various balconies on Grange Road are therefore not determinative as to the acceptability of the appeal proposal.

6. Given its design, the lack of other similar features in the vicinity and the coherence of the row of properties which the site forms part of, the proposed balcony would appear as an incongruous feature. Due to its position, it would also be visible in public views and read as a prominent element in the streetscene.
7. Although the site is not within a conservation area, it is adjacent to the Abbotskerswell conservation area and is also near to a listed building. However, the Council does not allege that the appeal proposal would harm either of these designated heritage assets, and from the available evidence, I have no reason to find otherwise. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to the proposed balcony.
8. I therefore find that it conflicts with Policies S2 and WE8 of the Teignbridge Local Plan 2013-2033 (TLP) and Policy BHE1 of the Abbotskerswell Neighbourhood Plan 2016-2033 (ANP). Amongst other aspects, these require development of a high quality design which respond to the characteristics of its context and respect its setting, and which integrate with and complement the character of the area. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places.

Living conditions

9. The front gardens of the properties adjoining the site include sitting out areas. I observed on my site visit that these areas, with their southerly aspect, provide the occupiers of Nos 6 and 10 with useable and, despite the proximity to Wilton Way, relatively private outdoor amenity space.
10. Positioned on the front elevation, the proposed balcony would provide views out towards Wilton Way and the wider area but also over the sitting out areas at the front of Nos 6 and 10. Given the use of the front gardens and the limited degree of separation with the proposed balcony, the appeal proposal would therefore result in significant overlooking of adjoining occupiers. In coming to this view, I have taken into account the set-back of the building at No 10, that No 6 have an enclosed side and back garden and that the sitting out area at the front of No 6 is said to be rarely used by the current occupiers.
11. Although increasing the height of the proposed frosted glass balustrade, as suggested by the appellants, would be likely to reduce the views into the adjoining front gardens, I have to determine the appeal on the basis of the submitted plans. It would also not be reasonable to impose a planning condition that required frosted glass to the extent necessary to ensure that such overlooking would be avoided. In addition, it seems to me that such a change would materially alter the nature of the appeal proposal which was before the Council when it made its decision and which third parties had the opportunity to comment on. I have therefore determined the appeal on the basis of the proposal determined by the Council.
12. For the above reasons, I conclude that the proposed development would harm the living conditions of adjoining occupiers, with particular regard to overlooking from the proposed balcony to Nos 6 and 10. I therefore find that it

conflicts with TLP Policy WE8 which, amongst other aspects, seeks to protecting the living conditions of neighbours. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving a high standard of amenity for existing users.

Other matters

13. I note that the appellants attempted to engage with the Council with a view to resolving its refusal reasons. However, I have to determine the appeal on the basis of the plans and submitted evidence. I have therefore considered the proposal on its own merits, based on the evidence before me.
14. Although the first reason for refusal in the Council's Decision Notice only refers to the proposed balcony, I note that the Council's Officer Report also identifies concerns regarding the effect of the proposed cladding on the character and appearance of the surrounding area. A number of other matters have also been raised by third parties. However, given that I am dismissing the appeal on the basis of the main issues that I have set out above, it has not been necessary for me to consider these matters in greater detail.

Planning Balance

15. I have found that the proposed development would conflict with relevant policies in the adopted development plan due to it harming the character and appearance of the surrounding area and the living conditions of adjoining occupiers. I therefore find that the appeal proposal would be contrary to the development plan as a whole.
16. It has been put to me that the appeal site has a small back garden oppressed by Leylandii and bamboo from adjoining plots. I recognise that the appellants, having lived at the site for many years and having just retired from the NHS, also wish to make use of the south facing nature of the plot and enjoy the views across the hills. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

17. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR