



Appeal Decision

Site visit made on 23 November 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/P1133/D/21/3279890
15 Lyme Bay Road, Teignmouth TQ14 8RS

- 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 Sean Lee against the decision of Teignbridge District Council.
 - The application Ref 21/01280/HOU, dated 26 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is two storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the host dwelling and surrounding area, and on the living conditions of neighbouring occupiers at No 13 Lyme Bay Road, with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal dwelling is a detached split level dwelling which appears as a bungalow from street level, albeit that its frontage is largely enclosed by a high evergreen hedge, concealing much of it. The driveway remains open and the elevated single storey, flat roof garage is the element that currently contributes most to the streetscene. Despite being of limited architectural merit, the garage is of a scale, form and appearance typical for its intended function relative to the modest scale of the host dwelling.
4. The host dwelling is currently being adapted through a loft conversion, including an enlargement of the roof to the rear. The fenestration arrangement in the roof extension and its form differ modestly from that shown on the 'existing' plans.
5. The proposal seeks to add a two storey extension to the east side of the dwelling which would also incorporate the existing garage to form habitable accommodation. To the front, the extension would have a double hipped roof with different ridge heights to one another and to the ridge of both the main dwelling and its front hipped roof projection. To the rear, the gabled projection would extend modestly beyond the existing rear wall and would include a recessed balcony at first floor level.

6. Principally owing to the complicated arrangement of sections of roof at differing heights, including at a height higher than the existing ridge, and with different joining elements to the host dwelling, the extension would have an awkward and poorly-designed appearance that would undermine the simple character of the dwelling, particularly given the visibility of the eastern side within the streetscene. The poor relationship would also be evident from the rear, with the gable ridgeline exceeding the main ridge height, running counter to the general design principles to ensure extensions form subservient additions to their host.
7. The appellant suggests that there is a lack of uniformity within the area, with neighbouring dwellings displaying a variety of roof heights and forms. However, in my opinion, there are no examples of a single dwelling with such a variety of roof forms and differing heights that are of an acceptable design standard that suggest that the appeal proposal should be considered acceptable.
8. In view of the above, the proposal would be harmful to the character and appearance of the host dwelling and surrounding area, contrary to Policies S2 and WE8 of the Teignbridge Local Plan 2013 – 2033 (2014) (Local Plan). These Policies seek to secure new development of high quality design that complements the character of existing residential areas.

Living conditions of neighbouring occupiers

9. The appeal proposal would include a recessed balcony at first floor level beneath the overhanging gable roof form. Side walls would enclose it on both sides, which would, to a limited extent, direct views downwards over the townscape and to the coastline.
10. However, given the proximity of the balcony to the shared boundary, its elevation and the inability of intervening boundary features to further prevent views in a south-easterly direction, the balcony would permit a much greater degree of overlooking towards the garden of No 13 than is currently possible, leading to a material loss of privacy for the occupiers thereof.
11. I note that the roof extension currently under construction (albeit differing from the 'existing' plans) would include a Juliet balcony and at least double width glazed bi-fold doors as a fallback position. These will permit a greater degree of overlooking than was previously achievable, but would still not be as harmful as the proposed balcony. It should also be borne in mind that the cumulative effects of the combination of an elevated balcony and Juliet balcony would be greater than would be the case for either one or the other in isolation.
12. I note the number of balconies on the rear of No 13 at both ground and first floor level which were allegedly permitted before around 2004. I accept that these afford more extensive views towards the appeal site and surrounding neighbours than would be typical for a mutual overlooking arrangement in a built up, topographically-challenging area. Whilst it appears that the Council acknowledge that they are harmful to the living conditions of neighbouring occupiers, the reason why they were considered acceptable at that time is not clear. Though I understand the appellant's point in this regard, allowing the appeal proposal, which would be reciprocally harmful, would not be in the wider public interest or comply with the relevant development plan policies.

13. Thus, for the reasons above, the proposal would be harmful to the living conditions of neighbouring occupiers at No 13 Lyme Bay Road, with particular regard to overlooking. As such, the proposal conflicts with Policy WE8 of the Local Plan which seeks to allow adaptations of existing dwellings whilst ensuring that they do not reduce the level of privacy enjoyed by occupiers of neighbouring properties.

Conclusion

14. For the reasons set out above, the appeal proposal conflicts with the development plan, when considered as a whole. There are no considerations of sufficient materiality to indicate that a decision should be taken other than in accordance therewith. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR