The Planning Inspectorate

Appeal Decision

Site visit made on 14 April 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:26TH April 2022

Appeal Ref: APP/P1133/D/22/3291425
88 Ringmore Road, Shaldon, Teignmouth, TQ14 0AB.

- 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 James Ashton against the decision of Teignbridge District Council.
- The application Ref 21/01908/HOU, dated 19 August 2021, was refused by notice dated 3 November 2021.
- The development is the provision of a balcony.

Decision

1. The appeal is allowed and planning permission is granted for the provision of a balcony at 88 Ringmore Road, Shaldon, Teignmouth, TQ14 0AB in accordance with the terms of the application Ref 21/01908/HOU, dated 19 August 2021, subject to the following condition:

   Within 3 months of the date of this decision two obscurely glazed panels 1.8m high, as shown on plan Ref 1697/011A & 1697/12, shall be provided at either end of the balcony. The privacy panels, once inserted, shall be retained in perpetuity.

Preliminary and procedural matters

2. The balcony is already built and in use, and the original application was made because the appellant wishes to retain it. I shall proceed on this basis.

3. The appeal property lies within the Shaldon Conservation Area (CA), and stands next to Ringmore Towers (RT), which is listed (*Grade II*) as being of special architectural or historic interest (LB).

4. Correspondence submitted by the appellant shows that revised plans[1] were submitted on 18 October 2021 in an attempt to overcome the Council's concerns in respect of loss of privacy.

5. There is no indication in the officer report or in the Council's decision notice, dated 3 November 2021, that the revised plans were taken into account. These plans are material to my considerations and attract due weight for the reasons that will become apparent later in my decision notice.

[1] Ref: 1697/011A & 1697/12.

Main issues

6. The main issues are the effects of the development on the setting of the LB; whether the development has preserved or enhanced the character or appearance of the CA, and whether the development has harmed neighbouring living conditions, with specific reference to privacy.

Reasons

Heritage issues

7. The appeal property is a semi-detached dwelling, recently modernised and upgraded. It fronts Ringmore Road, but the balcony has been built at the rear, where it overlooks the wide Teign estuary. The balcony is comprised of a light stainless-steel frame, with clear glazed panelling at the front and obscured glazed panels at the sides. It takes up approximately half the width of the house. Access to it is obtained from a bedroom through a set of glazed sliding doors.

8. It is separated from RT by a drive which serves as a pedestrian and vehicular access to parts of the extended LB. The Official List Entry describes the LB as a former mansion, now converted into apartments, and as a competent example of the C19 Scottish Baronial style, despite the later additions.

9. Some additions have been built to the rear of the original Victorian building, close to the balcony, backing onto the estuary. Part of the ground floor of the additions appears to be comprised of garages served by a number of 'up-and-over' doors. The evidence shows that this development was permitted in 1988, when planning permission and listed building consent were granted for the demolition of the original coachhouse and its replacement by what is now seen on the site.

10. The LB's setting is most apparent and appreciated when approaching from the west along Ringmore Road, and from the south, when approaching from higher ground along Salty Lane. In various viewpoints from these directions much of the original building is clearly seen in its spatial context so that its scale, design and appearance can be properly appreciated, as can its attractive and close estuarine setting. When approaching from the east, the building is largely screened by extant development. From The Embankment to the north-east, views of the Victorian elements of the LB are partially obstructed by the relatively modern additions described in the previous paragraph.

11. That part of the LB closest to the balcony is in a sheltered position, being largely screened by extant development. Its setting at this point is thus constrained. To my mind, given that the LB's attractive setting is best appreciated in views upon which the balcony has not materially impinged, the balcony has had very little impact upon it, and certainly not such as could be described as harmful.

12. In assessing the effect on the CA as a whole, a small section of the balcony can be glimpsed when passing along Ringmore Road through the narrow gap separating the appeal dwelling and RT. Otherwise, it can be seen from The Embankment, at a distance, and as the Council suggest, from boats in the estuary. From these vantage points, the balcony, which I find acceptably

designed, has had no material effect; at worst, the impact is neutral and certainly not harmful. The balcony has no greater impact than the balcony granted planning permission recently by the Council at 80 Ringmore Road. Whilst I appreciate that was a replacement, to my mind, it also looks perfectly acceptable in its maritime context.

13. I therefore conclude that the erection of the balcony has not harmed the setting of the adjacent LB, and since it has a neutral effect, the character and appearance of the CA is preserved. Accordingly, I find no conflict with those provisions of policies S2, EN5 and WE8 of the Teignbridge Local Plan 2013-2033 directed to ensuring good quality design and to protect the District's heritage assets from inappropriate development.

Living conditions

14. The Council's concerns are centred on the alleged loss of privacy experienced by the residents of 86 Ringmore Road and two of the flats in RT as the result of the use of the balcony. Only one of the residents concerned has objected to the proposal - the resident of Flat 4 in the adjacent LB, whose representations have been fully taken into account.

15. 86 Ringmore Road adjoins the appeal property, and their respective rear gardens are separated by a low wall. The whole of No 86's rear garden is open to view from parts of No 88's rear garden, especially when standing close to the wall. The same would be the case from the other side of the wall. It is also possible to see inside No 86 from the appeal property's garden through the large glazed ground floor opening in No 86's rear elevation. Thus, the level of privacy currently enjoyed by No 86's is relatively low. Indeed, all the residential properties in the immediate vicinity of the appeal site, including some of the flats in RT, are subject to a degree of mutual overlooking.

16. Nonetheless, the overlooking caused by the use of the balcony would intensify the perception of loss of privacy to No 86's residents, particularly in those parts of the garden closest to the house. I appreciate that low privacy side panels have been installed on the balcony, but these do not effectively prevent overlooking from those standing as opposed to sitting on the balcony.

17. The higher side obscurely glazed panels proposed by the appellant, as submitted in October 2021, would considerably assist in preventing unacceptable overlooking of next door's garden, particularly from a standing position. The introduction of such a panel at the other end of the balcony would also effectively prevent loss of privacy to the occupants of flat 4 in RT. A suitably worded condition could bring this into effect.

18. Small first floor dormer windows in RT's flat 5 are set at varying oblique angles to the appeal property's rear elevation. Before the balcony was built the outlook from the dormers was partially towards No 88's bedroom window, at relatively close quarters. Thus, for the users of the rooms served by the windows of the respective properties the level of privacy experienced previously was not of the highest quality. However, in my view, the balcony has not made matters materially worse for the residents of flat 5, and whilst not conclusive to my considerations, it is nevertheless instructive that no objection has been raised from that quarter despite the balcony being in use for some time.

19. I therefore conclude, subject to the introduction of high glazed panels at either end, that the continued use of the balcony would not cause unacceptable loss of privacy to the closest neighbours. Accordingly, there is no conflict with those provisions of policies S1 and WE8 of the Teignbridge Local Plan 2013 –2033 designed to prevent loss of residential amenity, with particular reference to privacy.

Other matters

20. I have noted the concern expressed by the resident of RT flat 4 as to noise and disturbance. It seems to me however that the use of this modestly-sized balcony would not give rise to any greater level of activity than the normal residential use of the appeal property's garden, which is also in close proximity to flat 4.

21. All other matters raised in the representations have been taken into account, including the references to the CA Appraisal, but no other matter is of such significance as to outweigh those factors that led me to my conclusions.

G Powys Jones

INSPECTOR