



Appeal Decision

Site visit made on 16 August 2022 by S Wilson LLB MSc LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/P1133/D/22/3296398

34 St Marys Road, Teignmouth TQ14 9LY

- 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 & Mrs L Hayes against the decision of Teignbridge District Council.
 - The application Ref 21/02547/HOU, dated 3 November 2021, was refused by notice dated 25 March 2022.
 - The development proposed is described as 'Retrospective approval for larger front balcony, and other small differences to previous approval 18/00413/FUL.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Some parts of the development have already taken place, including installation of solar panels and cladding of the first floor. A structure to extend the balcony has been erected, however at the time of my visit this was unfinished and there were no railings installed. I have therefore considered the appeal on the basis that the development had started but not been completed.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers at 32 St Mary's Road in respect of privacy and outlook; and on the character and appearance of the surrounding area.

Reasons for the Recommendation

Living Conditions

5. Nos 32 and 34 are built on a similar building line with a small distance in between, as is the character of the road. The original balcony at No 34 would have allowed some overlooking of habitable rooms at No 32, but due to its limited depth, this would have been at an acute angle. However, the proposed extension to the balcony would almost double its depth and size. As a result, it would significantly increase the opportunity for overlooking into the lounge and the master bedroom of No 32 at a wider angle, allowing significant, short-range

views into these habitable rooms. The proposed balcony would therefore result in significant additional overlooking of No 32, unacceptably reducing the level of privacy enjoyed by the occupiers.

6. This harm could be addressed by installation of an obscure glazed privacy screen, 1.8m in height, along the north side of the balcony. This could be secured by planning condition. However, due to the depth of the proposed balcony, such a privacy screen would be close to and at a similar level to the master bedroom window of No 32. Due to its height and depth, a screen would dominate the outlook from that window, creating a significantly greater sense of enclosure than would have been experienced from the original balcony, which submitted images show was shallow with lower railings.
7. Furthermore, from the lounge patio doors at ground floor level, the balcony combined with the privacy screen would appear as a dominant and overbearing structure due to its height and depth. Consequently, a privacy screen in this location would result in an undue loss of outlook from these habitable rooms to the detriment of the living conditions of the occupiers of No 32. Therefore, imposing such a condition would be unreasonable.
8. Without the privacy screen, the flat part of the balcony would still be of significant depth, however this section is of similar height to the boundary fence with No 32. The proposed railings would be lightweight and relatively transparent in design. Without the screen therefore, the extended balcony would have a limited impact on outlook from that neighbouring property and would not result in harm in that respect.
9. Accordingly, the proposed extension to the balcony would harm the living conditions of the occupiers of No 32 in respect of privacy, which cannot be satisfactorily mitigated by conditions without significant harm to outlook. Consequently, the proposal conflicts with Policy WE8 of the Teignbridge Local Plan 2013-2033 (adopted May 2014) which seeks to protect the living conditions of neighbours.

Character and appearance

10. This side of St Mary's Road includes many examples of balconies on front elevations above projecting garage and porch areas. The original balconies share a similar style and form, and while there are some exceptions where alterations have taken place, such as at No 60, the original balconies form the predominant characteristic of the area.
11. The appeal proposal would be almost double the size of most other balconies in the vicinity and would be a large and prominent addition to the front of the dwelling. This much larger forward projection would significantly increase its prominence in the street scene, even with the lightweight railings proposed. Although the materials proposed would complement the contemporary changes to the dwelling, due to its size and prominence the proposed balcony would nonetheless contrast harmfully with the character and appearance of the area.
12. This harmful visual impact would be further increased if a privacy screen were included, as it would increase the sense of scale. It would also introduce an incongruous material in contrast to the metal railings that characterise the area. While the original balcony of No 34 had timber rails, these have since been removed and were in any case uncharacteristic of the area.

13. Consequently, the proposed extension to the balcony would harm the character and appearance of the surrounding area. It would therefore conflict with Policies S2 and WE8 of the Local Plan, insofar as they require good design that integrates with the character of the adjoining built environment and is complementary to the existing building.

Other Matters

14. The projection provides a covered walkway at the front of the building; however, this is a private benefit to the occupants of the appeal site and as such carries very little weight.
15. It has been asserted that No 60 also offers opportunities for overlooking of No 58 with no privacy screen. I have no details of how this relationship came to exist and, in any case, the overlooking between those two properties appears to be between their amenity space and not directly to habitable rooms. It is therefore materially different to the situation before me and does not justify the harm I have identified.

Conclusion and Recommendation

16. The proposal would conflict with the development plan and there are no material considerations that outweigh this finding. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR