



Appeal Decision

Site visit made on 21 February 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/K1128/D/3310310

61 Sandquay Road, Dartmouth Devon TQ6 9PH

- 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 Thompson against the decision of South Hams District Council.
 - The application Ref: 1275/22/HHO dated 6 April 2022, was refused by notice dated 15 August 2022.
 - The development proposed is addition of a balcony to the east of the dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and of the local area, and
 - b) The effect of the proposal on the living conditions of surrounding neighbours, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and Appearance

3. The appeal property is an attractive traditional, two storey, semi-detached house situated above Sandquay Road on the north side of Dartmouth. There is a pedestrian access leading off Sandquay Road towards its northern end, serving the appeal property and its attached neighbour and one detached property.
4. The proposed balcony would lead out from new double doors on the side of the property and would extend out to the side and wrap around a small part of the front of the property.
5. I agree with the Appellant that there are a number of lightweight, modern balconies and terraces in the local area. Although the proposal would be lightweight in design and would sit on slender columns, I consider that its dimensions and overall scale would result in an overly large addition to the house that would detract from its existing symmetrical appearance at the front and unbalance the semi-detached pair of houses. It would appear as an

- incongruous addition to the house that would detract from its character and appearance.
6. Although there would be limited views of the proposed balcony because of its siting to the rear of properties on the west side of Sandquay Road, this does not provide a justification for allowing a development that would detract from the character and appearance of the house and its semi-detached neighbour. Furthermore, and as shown by evidence from the Appellant, there would be views from the other side of the River Dart. Whilst I recognise that these views are at some distance, the uncomfortable and overly large scale of the projection of the balcony in relation to the proportions and form of the main house and its semi-detached neighbour would still be evident.
 7. I therefore conclude that the proposal would materially harm the character and appearance of the existing house, the semi-detached pair and therefore also the local area. This would conflict with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other things seek a high standard of design which respects the local context.
 8. The Appellant has drawn my attention to other balconies in the immediate vicinity. Each proposal must be considered on its individual merits but I have nonetheless taken them into account in so far as the information has been made available to me. However, they do not in my view directly compare with the proposal before me and do not persuade me to a different view given the harm I have concluded.
 9. The property is also in the South Devon Area of Outstanding Natural Beauty (AONB) but given its scale within a residential area and within the built up area of Dartmouth, it would not materially harm the special landscape character of the AONB.

Issue b) Living Conditions

10. Given the relatively close siting of properties in relation to each other, and the local topography, I agree that there is some existing overlooking from windows and the garden area of the appeal property towards and over neighbouring properties, particularly to the east, in Sandquay Road. However, the proposed balcony because of the increased height and projection, would materially increase the extent of overlooking to the front and to the side over neighbouring properties and their garden areas. This would result in an unacceptable impact on their living conditions.
11. The property to the south is within the grounds of the Royal Naval College and it is understood to be in commercial use, although the property has a residential appearance and could be used for residential use in the future. Paragraph 130 of the Framework, seeking to protect the amenities of existing and future occupiers, is not specific to residential use and whether in commercial use or residential use, there would be direct views into the neighbouring front garden which would result in a loss of privacy for these occupiers. Policy DEV1 of the Local Plan similarly seeks to protect the amenities of residents, workers and visitors.

12. I therefore conclude that the proposal would unacceptably harm the living conditions of surrounding neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy DEV1 of the Local Plan and the Framework and in particular paragraph 130, both of which seek a high standard of amenity for existing and future occupiers.

Other Considerations

13. The Appellant has drawn my attention to an appeal for a roof terrace at 13 Sandquay Road which was allowed under the Ref: APP/K1128/D/20/3264536. Each proposal must be considered on its individual merits, but I have nonetheless taken it into account in so far as the information has been provided to me. I do not, however, consider that it is directly comparable with the proposal before me and does not therefore persuade me to a different view, given the harm I have concluded in this case.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR