



Appeal Decision

Site visit made on 20 February 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/X1165/D/23/3314638

26 Lyme View Road, Torquay TQ1 3TR

- 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 M Wilcox against the decision of Torbay Council.
 - The application Ref: P/2022/1190 received by the Council on 31 October 2022, was refused by notice dated 19 December 2022.
 - The development is extension to bedroom (retrospective) and terrace.
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Decision

1. The appeal is allowed and planning permission is granted for extension to bedroom (retrospective) and terrace at 26 Lyme View Road, Torquay TQ1 3TR in accordance with the terms of the application, Ref: P/2022/1190 received by the Council on 31 October 2022, subject to the following conditions:
 - 1) Within three months of the date of this decision letter the east and west sides of the terrace shall be completed with 1.7m obscure glazed privacy screens in accordance with the details and specification set out on the approved plan, 202237/1, and thereafter retained and maintained.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 202237/1.
 - 3) The external materials for the development hereby approved shall be in accordance with the materials shown on the approved plan 202237/1.

Preliminary Matters

2. The application forms do not show the date they were completed or submitted, and I have therefore referred to the date stamp on the forms, being the date received by the Council.
3. The reasons for refusal are specific to the terrace and no concern is raised over the extension to the bedroom. The Council has taken the view that the extension falls to be considered as permitted development. I have no reason to take a different view but as it forms part of the application, I have necessarily included it in the decision.
4. The extension has been completed and the terrace is in place but the privacy screens shown on the plans, have not yet been erected.

Main Issues

5. The main issues in this appeal are:

- a) The effect of the terrace on the living conditions of neighbours, with particular regard to overlooking and loss of privacy, and
- b) The effect of the terrace on the character and appearance of the local area.

Reasons

Issue a) Living Conditions

6. The appeal property is a semi-detached dwelling on the north side of Lyme View Road in a predominantly residential area. Given the steepness of the local topography, the properties appear as single storey at the front with access at the upper level and two storeys at the rear. There is a public footpath along the western side of the property leading down to Perinville Road. Because of the steeply sloping site, there are extensive views in a northerly direction from the rear of the property.
7. The submitted plans indicate that the roof terrace would have obscure glazing to both sides (east and west) up to a height of 1.7 m with a glass balustrade set back 500mm from the edge of the roof along the northern side.
8. The Council has raised a concern about the impact of the proposed obscure glazed privacy screen on the eastern side, because it would 'cut off' the window in the appeal property. However, that window serves the kitchen part of an open plan living space served by windows to the front and the rear and furthermore, the screen would be to the side of the window serving the kitchen area. I do not see an issue in that particular regard.
9. The proposed obscure glazing to the eastern side of the terrace would also protect the living conditions of the immediate neighbours to the east, with particular regard to overlooking and loss of privacy and further views in an easterly direction are restricted by dense boundary vegetation and the flank wall of the neighbouring pair of semi-detached properties, set further back, compared with the appeal property.
10. The obscure glazing along the western side of the terrace would prevent direct overlooking and loss of privacy over the rear gardens of the nearest neighbours in Reddenhill Road where the gardens extend as far as the public footpath. Although from the rear of the terrace, it would be possible to see further afield, I consider that the gardens to houses further north along Reddenhill Road are at a sufficient distance, and assisted by intervening vegetation, that there would be no material loss of privacy for other residents.
11. I therefore conclude that the terrace, with the privacy screens as proposed, would not harm the living conditions of the surrounding neighbours, with particular regard to overlooking and loss of privacy. There would be no conflict with Policy DE3 of the Torbay Local Plan and the National Planning Policy Framework (Framework) and in particular paragraph 130, both of which amongst other matters seek a high standard of amenity for existing and future occupiers.

Issue b) Character and Appearance

12. The terrace is, as existing, and would, as proposed, not be visible from the front of the property in Lyme View Road. Because of the local topography, and the proximity of the public footpath to the appeal property, there are limited views of the terrace from the public footpath itself. Views can be gained from Perinville Road, but these are at a sufficient distance that the terrace does not, as existing, and would not, as proposed, appear as a visually intrusive or jarring form in the street scene. The terrace does and would not appear out of character with the varied residential nature of the local area.
13. I am therefore satisfied that the terrace with the privacy screens as proposed would not harm the character and appearance of the local area. There would be no conflict with Policies DE1 and DE5 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the Framework and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.

Conditions

14. As the extension and terrace are already in place, but the balustrading still requires to be completed in accordance with the proposed submission, I shall impose a condition to require the glazed privacy screens to be in place within 3 months of this decision letter, and thereafter retained and maintained. The materials shall be as shown on the approved plan. I shall also list the approved plan for the avoidance of doubt and in the interests of proper planning.

Conclusion

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

L J Evans

INSPECTOR