

Appeal Decision

Site visit made on 11 September 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2023

Appeal Ref: APP/P1133/D/23/3323805

35 Hazeldown Road, Teignmouth, Devon TQ14 8QR

- 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 Mike Seal against the decision of Teignbridge District Council.
 - The application Ref 23/00121/HOU, dated 20 January 2023, was refused by notice dated 15 May 2023.
 - The development proposed is for balustrading and access to flat roof deck.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area and upon the living conditions of the occupants of 37 Hazeldown Road, with specific reference to outlook.

Reasons

3. The proposal seeks planning permission for the erection of glass and stainless steel balustrading around the flat roof of a bedroom extension on the eastern side of the host dwelling. It is located adjacent to 37 Hazeldown Road which is on lower ground than the appeal site and has a clear glazed conservatory on its western flank elevation facing the appeal proposal.
4. I note the examples cited where glass and steel balustrading has been used on dwellings within the locality, including to the front of the host dwelling itself, therefore I consider that as a matter of principle such features are not out of character with the surrounding area. Ultimately however each case must be assessed upon its own merits.
5. Bearing in mind the other examples of glass and stainless steel, the front balustrade viewed head-on would not necessarily appear overly obtrusive, but the side elevation would be highly visible in the street scene, particularly when viewed from the south east. This would appear as an imposing addition, particularly when combined with the other extensions and alterations that have preceded it on no35.
6. Furthermore, the 1.8m high screen adjacent to no37 would be overbearing upon the occupants of that property particularly when utilising their aforementioned conservatory. I note that an agreement was made in 2021 with

a former owner of no37 that the flat roof would only be used as a terrace when a retractable courtesy screen was deployed, however, that is not the subject of the proposal that is before me. I realise that the current occupiers of this neighbouring property have not objected to the scheme, however, occupancy of dwellings is transitory and the planning system seeks to operate in the wider public interest. It has not been substantiated that the existing retractable screen does not require planning permission and as acknowledged by the appellant, the proposed balustrading would be both taller and longer than it, therefore whilst that may mean that there is less chance of overlooking, its overbearing impacts would be greater.

7. I therefore conclude that the proposed development would not only be harmful to the character and appearance of the area, but would give rise to a demonstrable loss of outlook to both existing and future occupants of 37 Hazeldown Road.
8. I find that the proposal is contrary to Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013 – 2033 adopted May 2014 which together require proposals to perform well against a number of criteria, including the maintenance or enhancement of the character and appearance of street scenes, along with the impact on the residential amenity of existing dwellings with regard to, amongst other things, outlook.

Conclusion

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR