



Appeal Decision

Site visit made on 11 October 2023

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/K1128/D/22/3310504

Sundowners, Herbert Road, Salcombe, Devon, TQ8 8HN

- 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 S Chadwick against the decision of South Hams District Council.
 - The application Ref 2345/22/HHO, dated 4 July 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described as "installation of a balcony".
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Decision

1. The appeal is allowed and planning permission is granted for a development described as "installation of a balcony" at Sundowners, Herbert Road, Salcombe, Devon, TQ8 8HN in accordance with the terms of the application, Ref: 2345/22/HHO, dated 4 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 397/21/10, 397/21/03A, 397/21/12A, 397/21/11A, 397/21/02, 397/21/01.

Background

2. The proposal includes two second floor balconies on the rear elevation of the property. The Council says that the proposed Juliet balcony would be allowed under permitted development rights and so it raises no objection to this aspect of the development. However, concerns are raised at the proposed projecting balcony and this is the focus of the current appeal.

Main Issue

3. The main issue is the effect of the proposed projecting balcony on the living conditions of surrounding occupiers.

Reasons

4. The rear elevation of Sundowners directly faces Mill Bay and Over Ria, a pair of semi-detached dwellings to the south. However, as these properties occupy lower ground than Sundowners it would not be very easy to see into their gardens or rear facing windows from the proposed balcony. Indeed, when standing on the balcony, the view would mainly be of their roofs. Boundary features further reduce the opportunity to look into the private areas of these neighbouring properties from the proposed balcony.

5. It would be possible to see parts of Woodgrange when standing on the balcony and looking downwards, including some facing windows and parts of the garden. However, the balcony would be well separated from opposing windows and it would not be very easy to see inside any rooms. Views into the garden of Woodgrange would mostly be obscured by vegetation and the roof of a nearby outbuilding. I am also mindful that users of the balcony would be likely to spend most time sitting rather than standing. From a seated position, the main outlook would be over the roofs of nearby properties and towards the coast. The privacy of neighbouring occupiers would be maintained.
6. There is little to suggest that use of the balcony would result in unacceptable levels of noise or disturbance. It would be modestly sized and therefore unable to accommodate many people. The balcony would also be well separated from the internal living space of neighbouring dwellings.
7. I therefore conclude that the proposal would have an acceptable effect on the living conditions of surrounding occupiers. There would be no conflict with Policy DEV1 of the Local Plan¹ or the provisions of the SPD². Among other things, these aim to protect residential amenity.

Conclusion

8. For the above reasons, the appeal is allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed.

C Cresswell

INSPECTOR

¹ Plymouth & South West Devon Joint Local Plan 2014-2034

² Plymouth & South West Devon Joint Local Plan 2014-2034, Supplementary Planning Document, July 2020