



Appeal Decision

Site visit made on 15 August 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/P1133/D/24/3346597

34 St Marys Road, Teignmouth, Devon, TQ14 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs L Hayes against the decision of Teignbridge District Council.
 - The application Ref is 22/02345/HOU.
 - The development proposed is alteration to front balcony.
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Decision

1. The appeal is allowed and planning permission is granted for alteration to front balcony at 34 St Marys Road, Teignmouth, Devon, TQ14 9LY in accordance with the terms of the application, Ref 22/02345/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: Drg Nos S1, S3 and PL3.
 - 2) The flat roof area of the extension hereby permitted beyond the balcony as shown on Drg Nos S3 and PL3 shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. At the time of my visit, I saw that a flat roof porch structure had been erected over the property's garage and front door entrances, but with the absence of any railings above which would create an enclosed balcony/terrace area. The proposed development, as shown on the application drawings, had therefore been started but was incomplete.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is a two-storey, detached dwelling within a residential neighbourhood. In common with many other properties to this side of St Marys Road, No 34 originally had a shallow balcony at first-floor to the front elevation. In October 2022, planning permission was refused on appeal (Ref APP/P1133/D/22/3296398) for development described as '*retrospective approval for larger front balcony*'. The current appeal seeks to retain the porch

structure but with railings inserted above that would be recessed behind its frontage to create a balcony area similar in size and depth to the original.

5. The restricted extent of balcony that is now proposed would reflect the typical scale of most others that are characteristic for the area. The porch structure beyond is constructed with a sturdy looking timber frame which extends around 1.9m in front of the single-storey projection of the dwelling's original integral garage and balcony over. Its flat roof form is not unprecedented along St Marys Road and I agree with the previous Inspector's findings that the materials complement the contemporary changes that have already been undertaken to the dwelling. Despite its forward projection, the new porch structure remains recessed behind the property's open frontage by a margin which ensures it appears as neither an intrusive nor dominant feature, but rather one which I find merges inconspicuously as part of a mixed street scene, where many properties have been altered in a variety of ways beyond their original forms.
6. By pulling the railings back to a position similar to those which enclosed the original balcony, I am satisfied that the scale, bulk and overall visual prominence of the alterations to the front of No 34 would sit comfortable in their setting without harm to the character or appearance of the street scene. In those circumstances there would be no conflict with Policies S1, S2 or WE8 of the Teignbridge Local Plan 2013-2033, adopted in 2014, as far as they require good design that maintains and integrates with the character of the adjoining built environment, and which is complementary to the existing building.
7. Neighbours' concerns regarding the visual impact of the development upon their living conditions is noted. However, I am mindful that the past appeal decision found fault on this issue only insofar as there would have been harm to the living conditions at 32 St Marys Road as a result of the balcony's depth. Due to the limited depth of balcony now proposed, no such harm would arise in this instance.

Conditions

8. As the development has commenced, the standard time limit condition is not required. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the living conditions of neighbouring occupiers and in the interests of maintaining the character and appearance of the street scene, a condition is required to restrict use of the flat roof area beyond the proposed balcony.

Conclusion

9. For the reasons given above the appeal is allowed.

John D Allan

INSPECTOR