



Appeal Decision

Site visit made on 9 December 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/P1133/D/24/3353387

42 Upper Longlands, Dawlish, Devon, EX7 9DB

- 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 M Willoughby against the decision of Teignbridge District Council.
 - The application Ref is 24/00900/HOU.
 - The development proposed is conversion of garage storage area into habitable room, take down conservatory to construct single storey extension with balcony and form parking bay beside garage.
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Decision

1. The appeal is allowed and planning permission granted for conversion of garage storage area into habitable room, take down conservatory to construct single storey extension with balcony and form parking bay beside garage at 42 Upper Longlands, Dawlish, Devon, EX7 9DB, in accordance with the terms of the application, Ref 24/00900/HOU dated 3 June 2024 and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 24-108-12; 24-108-13; 24-108-14.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those on the existing building.
 - 4) The garage conversion hereby permitted shall only be used for residential accommodation ancillary to the host dwelling and shall not at any time be let or occupied as independent living accommodation.
 - 5) Obscure glazed privacy screens, as shown on approved drawing No.24-108-13, to include at least 1.8 metre high screens on the west and east (side) elevations, shall be erected prior to the first use of the first floor rear balcony hereby permitted. The installed privacy screens shall thereafter be permanently retained as such.

Main Issue

2. The main issue is the effect of the proposed first floor balcony on the living conditions of the occupiers of 18 Longlands.

Reasons

3. The appeal site is located to the south of Upper Longlands road and comprises a two storey semi-detached property set within a steeply sloping area of similar properties and flats. The host property sits at a lower level to the adjacent road with a detached flat roofed garage, in front of the host, at road level (with a storage area underneath). The proposal involves retaining the garage and converting the storage area below into a habitable room and extending it to link into the main house. The Council do not object this aspect of the proposal or to the proposed parking bay beside the garage, a finding that I concur with.
4. At the rear of the host property an existing conservatory would be demolished and replaced by a single storey flat roofed extension. The Council do not object to the new extension itself but do object to the balcony and terrace that would be formed on the roof of the extension at first floor level. The balcony is shown as being accessed from new patio doors that would replace an existing bedroom window. The Council contend that the proposed balcony would give rise to a loss of privacy and overlooking of the occupiers of 18 Longlands (No.18L).
5. The proposed balcony would be enclosed by privacy screens (of stainless steel and glazing), with those on the east and west (side) elevation some 1.8 metres in height. In view of this, the proposal would not lead to any loss of privacy to 44 Upper Longlands, the other half of the semi to the east or to the flats at 32 – 40 (even) Upper Longlands, to the west. In relation to No.18L, this is located to the south of the appeal site and comprises a recently constructed large two storey detached house, built I understand within the grounds of a school. Due to the sloping ground, No.18L sits at a much lower level to the appeal site and the hosts rear garden.
6. Based on the Appellants Grounds of Appeal and the Council's Delegated Report it would appear that the distance from the proposed balcony to the rear elevation of No.18L is some 20 metres. As I observed on site, the rear garden to the host, beyond the existing conservatory, is terraced and has been laid out to a high quality, with seating areas, a fire pit and barbeque area, enclosed by planters and timber clad walls with rendered piers. It has been designed as the main outside amenity area to serve the host property and from this the rear of No.18L is visible.
7. Mutual overlooking of neighbours is an inherent and common characteristic of densely built up urban areas. It is very much a characteristic of the properties in the area surrounding the appeal site, with, as I confirmed above, the rear garden and first floor windows to the host affording views over the gardens of the properties to the east and west. Within this context, the proposed 1.8 metre privacy screen would, in my view, prevent any material or harmful increase in the level of overlooking of those neighbouring properties gardens.
8. The height of the proposed glazed parapet or balustrade facing the front of the new balcony is not referred to in the evidence, but is shown on plan at a much lower height than the 1.8 metre side screens. As such, the new balcony would afford views to the south towards the rear elevation of No.18L. As I observed from the first floor to the host, those views would not be materially different to the views that already exist from the bedroom window. As I confirmed earlier, No.18L sits at a much lower level to the appeal site. In view of this and given the distance that separates No.18L from the proposed balcony, the presence of

structures and boundary fencing/walls within the host's terraced garden and the orientation of No.18L, any impact on its occupants living conditions would, in my view, be limited. Whilst I accept that the new balcony, compared to existing, could lead to an increase in overlooking and loss of privacy, I am satisfied, for the above reasons, that the level of any increase would be limited and would not result in significant harm to the living conditions of the occupiers of No.18L.

9. Even so, as the appeal site is in an elevated position it benefits from extensive views over the town and towards the sea. The focus of anyone either sitting or standing on the new balcony would, therefore, be toward those views. Moreover, in approving No.18L I assume its relationship with the rear of the flats at 32 to 40 (even) Upper Longlands was considered acceptable. These ground and first floor flats include rear balconies that are sited in a broadly similar position and distance from No.18L, as the proposed balcony on the host.
10. I also note the Appellants point that the use of this new balcony, given that it currently serves a bedroom, would be more limited than the use of the rear amenity area, with the latter likely to remain the main focus for sitting out and socialising. Also, that there were no objections to the proposed balcony from neighbouring occupiers.
11. Accordingly, I find that the proposed balcony would not result in any significant harm to the living conditions of neighbouring occupiers. As such, the proposal would accord with part c) iii of policy WE8 of the Teignbridge Local Plan 2013-2033 (May 2014) as well as paragraph 135 f) of the National Planning Policy Framework (December 2023) (NPPF). These policies require new development to secure a high standard of amenity for existing and future users and be designed so as not to reduce the level of privacy enjoyed by neighbouring properties.

Conditions

12. I have considered the Council's suggested conditions against the advice in the NPPF and the Planning Practice Guidance. Conditions requiring compliance with the submitted plans and for materials to match existing, are necessary and reasonable in order to secure a high quality development. I also consider that a condition requiring the installation of the privacy screens prior to first use of the balcony and their retention, is also necessary and reasonable in order to protect the living conditions of neighbouring occupiers. I have, however, slightly modified the suggested wording. A condition to restrict the use of the garage as ancillary accommodation is also necessary and reasonable to prevent it being used or let independently, which would not be acceptable given the size and layout of the appeal site.

Conclusion

13. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR