

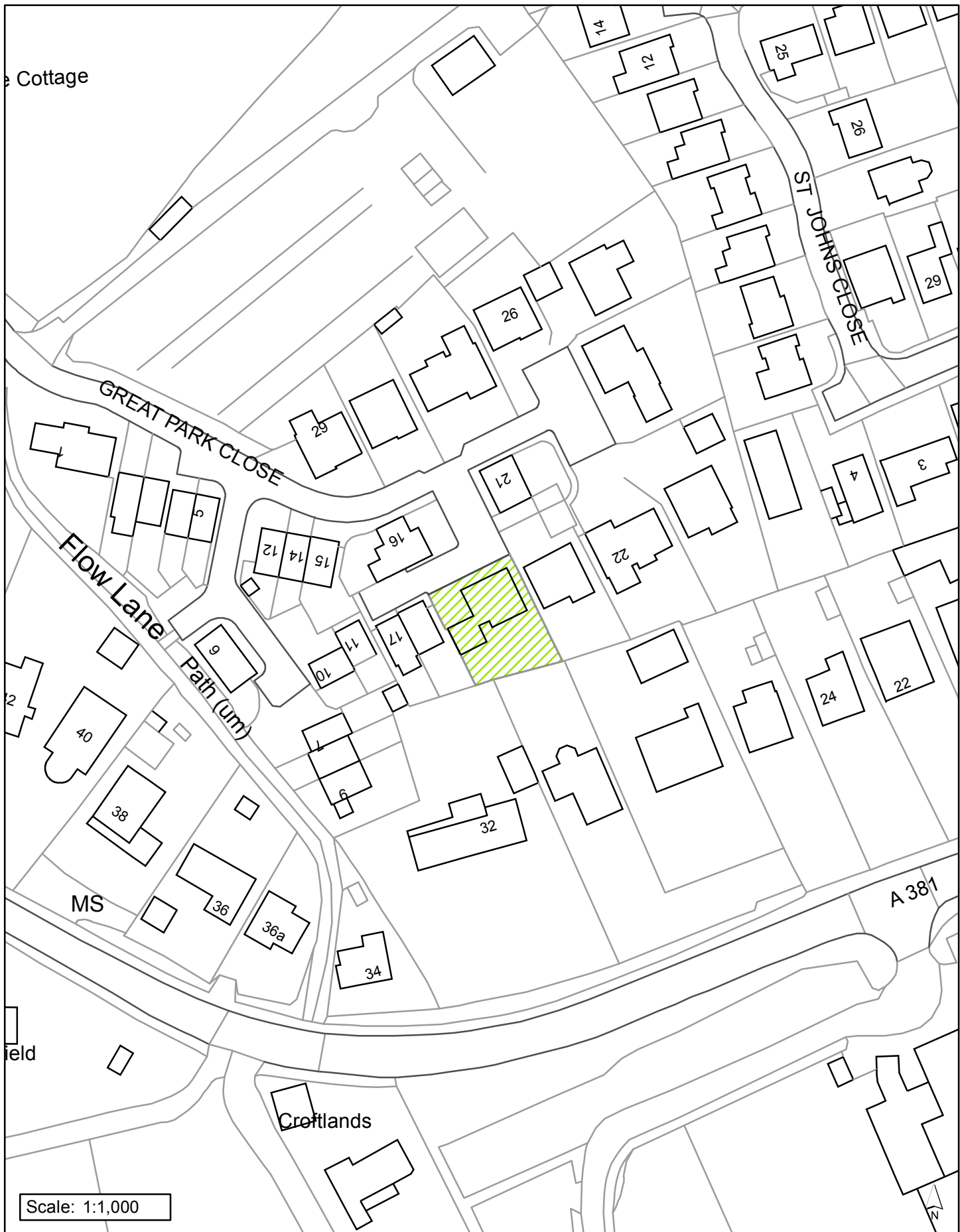
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BISHOPSTEIGNTON - 20/01764/FUL - 19 Great Park Close, Bishopsteignton - Single storey rear extension with balcony over	
APPLICANT:	Mr & Mrs Briggs	
CASE OFFICER	Artur Gugula	
WARD MEMBERS:	Cllr Andrew MacGregor	Bishopsteignton
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/01764/FUL&MN	





**20/01764/FUL - 19 Great Park Close, Bishopsteignton
TQ14 9FD**

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1. REASON FOR REPORT

Cllr Andrew MacGregor has requested for the application to be determined by the Planning Committee should the Officer recommendation for the following reasons:

1. Development creates overlooking of neighbours and loss of privacy.
2. Development not sympathetic to the design of homes in the wider development.
No other property has a balcony.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit for commencement (3 years)
2. Strict accordance with the approved plans

3. DESCRIPTION

Site Description and Proposal

The application site is located within a residential cul-de-sac within Bishopsteignton. The property is a two storey detached dwelling with a garage to the western side. The property has an open frontage accessed from Flow Lane. The rear garden is bounded with timber fencing and some mature hedges.

The rear of the property is adjacent to gardens of other residential properties.

The proposal seeks permission for a rear single storey extension with a balcony over and new door at first floor to serve the balcony. The extension infills a gap between the projecting conservatory and the garage. The balcony would be flush with the existing rear gable and measures less than 1.5m by c.5.3m.

It is worth noting that the ground floor extension part of the proposal would not require the benefit of planning permission as the dimensions fall within the provisions of the General Permitted Development Order 2015 Schedule 2 Part 1 Class A. The need for the planning permission arises as a result of inclusion of the balcony on the first floor

Relevant Planning History

07/03487/MAJ - Outline - Erection of 23 dwelling houses (approval sought for layout and means of access) – APPROVED

08/00772/MAJ - Approval of details for 22 dwellings (approval sought for appearance and scale) – APPROVED

09/00912/REM - Revised details of house types and layout of plots 10 -15 and 23 - APPROVED

Main Issues

- Impact on the character of the area
- Impact on residential amenity of the surrounding properties

Principle of the Development

The proposal is located within the defined Settlement Limits of Bishopsteignton.

The most relevant policy of the Local Plan is WE8, which is permissive of minor alterations to existing residential properties subject to a number of considerations including design and amenity.

Impact on the character of the area

The proposed extension with a balcony is to be located at the rear of the property with limited visibility to the wider public minimising any impact on the character of the area. The proposed materials are to match that of the existing with the windows and doors in-situ on the ground floor being reused for the extension.

The design of the proposal is sympathetic with the host property and will incorporate well with the overall design and appearance of the dwelling. The glass balustrading is considered to be acceptable due to the transparent nature which will appear as a less visually intrusive feature.

Some concerns have been raised by the precedent that the proposal may set for other properties in the area to incorporate balconies however is noted that any such proposal will be required to apply for planning permission and the development will be reviewed on its own merits where circumstances may differ with each individual site. There is however no “in principle” reason why the addition of balconies to this or other properties should cause concern.

Overall in respect of the design and impact on the character of the area it is considered that the proposal is acceptable in compliance with policies S2 and WE8. It is located at the rear of the property and largely contained within the existing boundary treatments preventing and will not be highly visible from wider public views.

Impact on the residential amenity of the surrounding properties

The main concern arising from the proposal has been the impact of a potential increase to overlooking and subsequent loss of privacy of neighbouring properties from the balcony.

In reviewing the application it has been noted that there is already significant overlooking or potential for overlooking in existence from the first floor windows of the property. The consideration which required to be taken into account is whether as a result of the balcony the overlooking is increased sufficiently to be unacceptably detrimental to the privacy of the surrounding properties.

In respect of the property to the east (20 Great Park) the concerns appear to be the most significant given that the dwellings are separated by a timber fence and a modest hedge. In the current situation the first floor windows already provide a

significant amount of overlooking into the garden of no. 20 with almost the whole garden and the paved patio in view. The overlooking resulting from the introduction of the balcony would offer additional overlooking to the area immediately adjacent to the rear wall of the property. When the scale of the existing overlooking is taken into account it has been considered that a small increase as described does not detrimentally impact upon the privacy so as to warrant a recommendation of refusal.

In respect of the adjacent property to the south of the site (30 Newton Road) some concerns have been raised regarding the potential overlooking into the garden and windows of no. 30. The separation distance between the properties is approximately 28 meters which contributes to minimise the inter-visibility between the windows of the property. The properties are separated via a timber fence and a high mature hedge which in their current form provide sufficient screening to prevent any overlooking from the first floor windows of the proposal site. In this instance it is considered that the introduction of the balcony would not materially change the potential for overlooking.

It is noted that concerns were raised that this may change if the hedge is cut down however, it is considered that if the hedge was cut in the current situation there could be significant intervisibility from the existing windows, therefore the balcony would not constitute a significant change here either.

In respect of the property adjacent to the west of the site (18 Great Park) the existing garage, timber fence and vegetation currently prevents overlooking from the existing windows. The balcony is proposed to be positioned behind in-between the garage and the gable. Whilst it will provide opportunity of glimpses into the far end of the garden the garage provides a sufficient obstruction to screen the parts of the garden adjacent to the dwelling.

Some concerns have also been raised from no. 32 and 28 Newton Road which are located to the rear of the proposal site with only the corner plots being adjacent to the rear garden. Separation distances are approximately 35 and 40 meters respectively to no. 32 and 28 therefore any significant overlooking into the properties is minimised. In addition the existing hedges provide sufficient screening to not cause further concerns in respect of impact on privacy.

On balance the potential impact of overlooking from the proposed balcony has been reviewed against the current situation and as discussed above has been considered to not be detrimental to the residential amenity of neighbouring properties in compliance with policy S2 and WE8 of the Local Plan.

Other matters

It is worth noting that both the ground floor extension and the change of the first floor window to a Juliet balcony or double doors would not require planning permission. The need for permission for the project only arises as a result of the inclusion of the balcony.

The submitted letters of objection have raised concerns regarding the impact on the Bat Flyway and potential external lighting to be installed on the balcony. The application did not involve works to the main roof therefore it was considered that an ecology report was not required. It shall be noted that the site is not located with a Bat Strategic Flyway as defined within the LPAs GIS Mapping however it is within

the Bat SAC Landscape Connectivity Zone. It has been considered that due to the small scale of the development it is unlikely to have an adverse impact on legally protected species. Upon review of the previous permissions for the wider Great Park estate it is apparent that no condition restricting external lights has been previously imposed therefore it would be unreasonable to impose such condition in this instance.

Further comments have raised concerns regarding noise disturbance resulting from the use of the balcony. Typically residential uses are unlikely to cause noise disturbance within an existing residential area. Issues concerning noise disturbance within a residential area fall outside of the remit of the Local Planning Authority and should this become a Statutory Nuisance the responsibilities to investigate would fall within the remit of the Environmental Health department.

Finally it has been highlighted that both the existing and proposed floor plans indicate two windows on the eastern side of the sitting room where in fact the windows do not exist. Following a discussion with the applicant it has been confirmed that this has been inserted in error and does not form part of the proposal. This can be made clear through the approved plans condition – although the insertion of ground floor windows does not need planning permission.

Conclusion

In conclusion as discussed above in the report the main issue considered has been the impact on privacy and introduction of potential overlooking to neighbouring properties. Upon review of the existing overlooking it has been considered that the proposal will not result in a detrimental impact on the residential amenity of the surrounding properties. Consequently approval is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2014-2034

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development

S2 Quality Development

S21 Villages

S21A Settlement Limits

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments.

Bishopsteignton Neighbourhood Development Plan 2013-2033

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

No consultations have been undertaken for this application.

6. REPRESENTATIONS

The application has been advertised via neighbour notification letters.

Letters of objection have been received raising the below points. The full text of the representations is available on the file:

- Loss of privacy and overlooking into bedrooms and living quarters at 30 Newton Road
- No objection to the extension part of the proposal
- Activities that might cause an increase in noise or light pollution in this area to be avoided.
- The development will affect principal rooms in the house at 30 Newton Road
- Loss of privacy and overlooking to the garden of 20 Great Park Close
- Inappropriate to have a balcony as houses are very close to each other
- Increased noise due to the elevated nature of the balcony
- Potential for external lighting to disturb the bat flyway
- Permission setting precedent for similar development
- No properties in Great Park Estate have balconies
- Existing and proposed plans showing windows in the lounge that do not exist
- Overlooking into the property and garden of 28 Newton Road and the Annexe if the hedge was lowered
- Major impact on privacy and wellbeing in the living space and rear garden of 32 Newton Road
- The overbearing nature of the balcony is unacceptable for all residents adjoining the property
- Balcony providing extensive view to the garden of 18 Great Park Close especially in the winter when trees/hedges lose the leaves

7. TOWN / PARISH COUNCIL'S COMMENTS

Bishopsteignton Parish Council

Bishopsteignton Parish Council are satisfied with the proposed single storey extension however do not support the balcony above due to concerns of overlooking for the three surrounding properties.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because:

It is less than 100m² of new build that does not result in the creation of a dwelling.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In

arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place