

**Planning Committee Report**

**Chairman: Cllr. Linda Goodman-Bradbury**

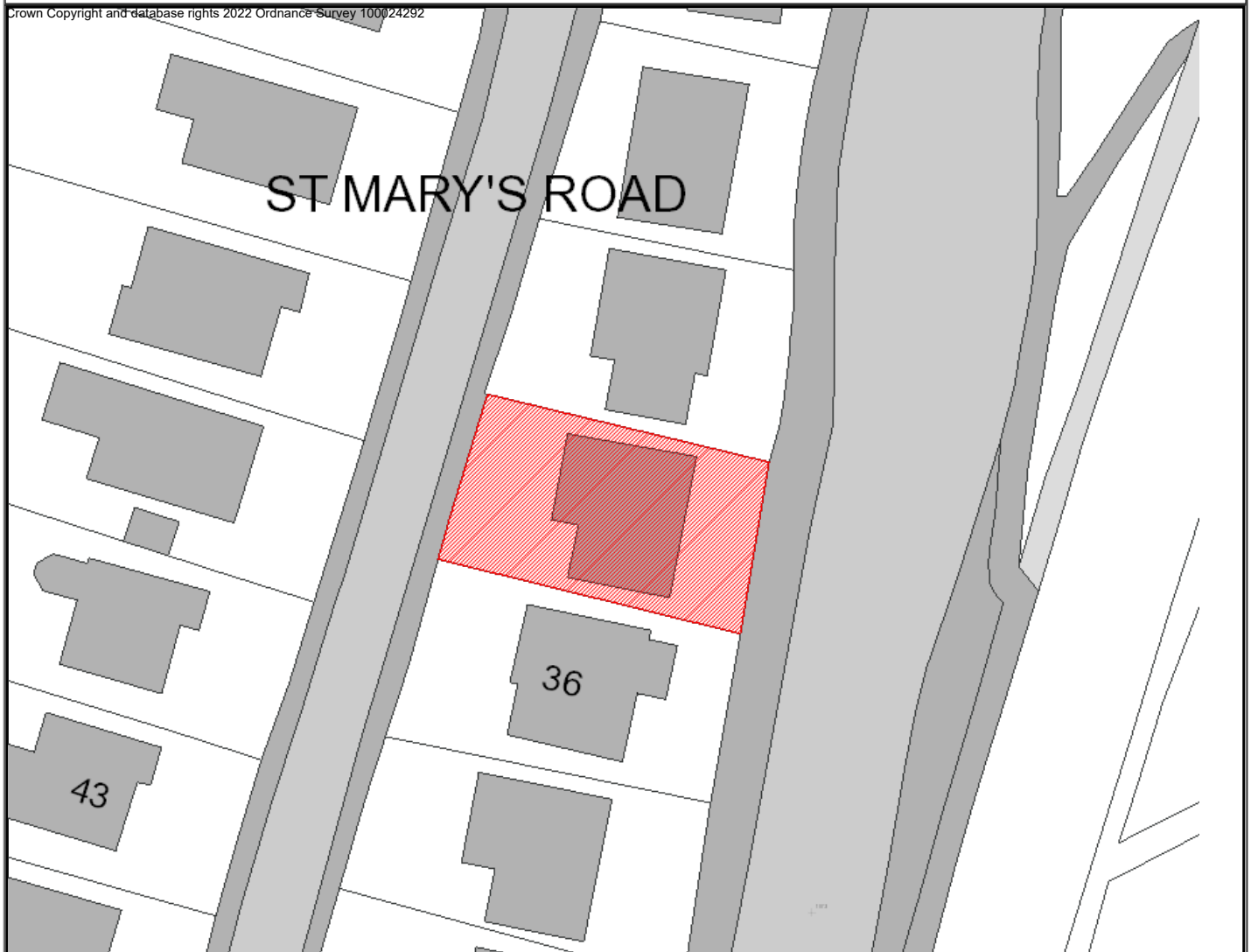
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| <b>Date</b>         | 22 March 2022 (Originally considered and deferred on 15 February 2022) |
| <b>Case Officer</b> | James Joubert  |
| <b>Location</b>     | 34 St Marys Road Teignmouth Devon TQ14 9LY                             |
| <b>Proposal</b>     | Retention of extension to approved front balcony                       |
| <b>Applicant</b>    | Mr & Mrs L Hayes   |
| <b>Ward</b>         | Teignmouth Central   |
| <b>Member(s)</b>    | Cllr Alison Eden, Cllr Jacqui Orme                                     |
| <b>Reference</b>    | 21/02547/HOU   |



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**RECOMMENDATION: PERMISSION GRANTED**

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## **1. REASON FOR REPORT**

This application has been brought to Planning Committee for determination by Teignmouth Town Council as per their comments on the application below –

*Recommend Refusal on the grounds that the proposed development would be overbearing and detrimental to the character of the existing residential area in contradiction of Planning Policy WE8(c).*

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be retained in accordance with the approved drawings.
2. Privacy screen of 1.8m on the north elevation of balcony prior to first use.

## **3. DESCRIPTION**

- 3.1. The application seeks retrospective approval for an amended scheme to that which was approved via planning application 18/00413/FUL. The changes include the increased size of the balcony on the front of the dwelling, introduction of cladding on the entirety of the first floor of the dwelling and solar PV panels. The remainder of the scheme remains in line with the approved 2018 scheme.
- 3.2. The application site is a dwelling located on St Marys Road, Teignmouth. Exeter Road is positioned to the east of the house and entry to the property is from the west via St Marys Road for both vehicles and pedestrians.
- 3.3. The site is located on a site which slopes down from the north to the south. There is approximately a 0.5m height differential between the highest and lowest points of the site.
- 3.4. The site is located opposite the Teignmouth Old Cemetery.

## **4. APPLICATION PROPOSAL**

4.1. The proposed development comprises the following:

- Enlarged (deeper) balcony on the west elevation of the dwelling.
- Introduction of grey cladding on the first floor of the dwelling on all sides.
- Solar PV panels of the roof plane of the west elevation of the dwelling (street facing).

## **5. KEY CONSIDERATIONS**

5.1. The application seeks planning permission for the retention of in situ balcony, new grey timber cladding and solar PV panels. The key issues in the consideration of the application are:

- Impact of the development upon the character and visual amenity of the area;

- Impact on the residential amenity of the occupiers of surrounding properties; and
- Energy efficiency and climate impact.

#### Impact upon the character and visual amenity of the area

- 5.2. Policy S1 (Sustainable Development Criteria) requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) requires development to utilise high quality design by responding to the characteristics of the site, its wider context and surrounding area by making the most effective use of the site, integrating with and, where possible, enhancing the character of the adjoining built environment. Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) requires developments are within keeping of the existing building in terms of materials and scale.
- 5.3. The site lies within a suburban setting in northern Teignmouth. The surrounding dwellings are predominantly detached two storey and single storey dwellings of varying but similar ages. There is a largely regular type of development style observed in the area in terms of building profiles. However, in terms of materials there is little uniform character. Materials observed include render of varying colours, face brick and cladding (stone and timber). The cladding included in this development in terms of material and colour is largely acceptable given the limited uniformity of the area and the muted tone selected. The adjacent properties are two storey with the dwellings to west appearing in the street scene as bungalows with some containing loft conversions.
- 5.4. St Marys Road is a typical residential street with dwellings located along both sides of the road. The dwellings on the eastern side of the road sit largely at the same height as the subject site, only varying as one moves further to the north and south. The dwellings to the west of the dwelling all sit lower than the site. The existing dwelling lies largely level with the road.
- 5.5. The street also contains several types of existing balconies which appear to be part of the original dwellings. Some of these have been modernized with varying railing types such as timber instead of the iron railings. Prior to the 2018 permission, the host dwelling also accommodated a balcony albeit of a smaller extent. The 2018 proposal retained the pre-existing balcony in terms of size and materials for associated railings and posts. The current balcony is larger than the original balcony. The larger balcony is indicated to utilize stainless steel handrails and glass panels. Although larger than present, the balcony is not considered to be out of character with the existing dwelling nor wider area.
- 5.6. The solar PV panels are considered acceptable within the context of the existing dwelling and wider area.
- 5.7. Taking into account the provisions of Policy S1, S2 and WE8, the enlargement of the balcony and introduction of grey timber cladding it is not considered that it will lead to a development that is out of character with the wider residential area in visual amenity terms.

Impact on the residential amenity of the occupiers of surrounding properties

5.8. Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light.

5.9. Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) is of key relevance to this proposal and states:

To ensure existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:

- c) the **scale is appropriate** to the existing building and would not:
  - i. **overdevelop the site** or result in the provision of insufficient amenity space
  - ii. result in the **undue loss of outlook or light to habitable rooms** of neighbouring properties
  - iii. **reduce the level of privacy** enjoyed by neighbouring properties
  - iv. have a **dominant or overbearing impact** on neighbouring properties or the street-scene
- d) there is no net loss of any trees, hedgerows or other key features (e.g. stone boundary walls) which contribute to the character and amenities of the property and/or area; and
- f) it can be demonstrated that the proposals are in a location that will not affect the integrity of the South Hams SAC.

**[Emphasis added]**

Each of these criteria will be considered in turn.

5.10. The question of appropriate scale and overdevelopment of the site was reviewed and it was considered that, in the context of the surrounding area, and given the plot size and sufficient space available, overdevelopment does not occur. The site is considered easily able to accommodate the enlarged balcony whilst keeping sufficient amenity space for its inhabitants. It should be noted that the space over which the balcony sits is utilised as vehicle parking.

5.11. The question of undue loss of outlook or light of habitable rooms was reviewed and it was considered that it would not result in an undue loss of outlook or light to habitable rooms to any property as a result of the balcony's position and size. The enlarged balcony is forward of the neighbouring dwellings and a distance away from opposing dwellings. It will also not include a height increase beyond the necessary balustrading which will be glazed or obscurely glazed in sections. It is not considered likely that the development would have a material impact on the outlook of any of the immediate and nearby neighbouring properties. The development (as a simple framed structure) is not likely to lead to an unacceptable loss of light for neighbouring dwellings.

5.12. The enlarged balcony included in the application is considered to have a minor impact on overlooking and privacy of 32 St Marys Road to the north. However, this is considered to be only a slight increase from that which was

experienced as a result of the original balcony. It is considered that this can be mitigated via the introduction of a 1.8m privacy screen on the north elevation of the balcony. A planning condition is recommended to achieve this. From observation, it is not considered necessary to introduce a similar privacy screen on the southern elevation of the balcony. The balcony is approximately 22m from the dwellings across of St Marys Road. The larger balcony does not materially change the position from the extant / previously approved position. No other components of the development are considered to impact on privacy of neighbouring and adjoining properties.

- 5.13. The enlargement of the balcony, by 1.7m to total 3.7m, is not considered to lead to a development that is overbearing on neighbouring dwellings. The property to the north sits slightly higher than the application site and would not experience overbearing impacts as a result of the structure nor associated balustrading. Further, the space between the balcony and the neighbouring front garden is separated by a well-established hedge and fence which would largely screen the balcony from ground level. None of the other elements included in this development are considered to lead to overbearing effects on neighbouring properties.

#### Energy efficiency and climate impact

- 5.14. The development contains solar PV panels on the west elevation of the dwelling. These *likely* benefit from Permitted Development Rights, however, as they are included in the application they have been assessed. The introduction of solar PV panels on this property in this location is welcomed and will support in carbon reduction in line with Local Plan Policies S7 (Carbon Emission Targets) and EN3 (Carbon Reduction Plans).

## **6. POLICY DOCUMENTS**

### 6.1. Teignbridge Local Plan 2013-2033

- S1A Presumption in Favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S7 Carbon Emissions Targets
- WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments
- EN3 Carbon Reduction Plans

### 6.2. National Planning Policy Framework

### 6.3. National Planning Practice Guidance

## **7. CONSULTEES**

No consultation responses were sought for this application.

## **8. REPRESENTATIONS**

8.1. One representation was made in objection to the application. Objection due to the following reasons:

- Overbearing;
- Overlooking and loss of privacy; and
- Out of character with the area.

## **9. TOWN / PARISH COUNCIL'S COMMENTS**

9.1. Teignmouth Town Council made the following comment at Planning Committee meeting held 1 December 2021 –

Recommend Refusal on the grounds that the proposed development would be overbearing and detrimental to the character of the existing residential area in contradiction of Planning Policy WE8(c).

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- This development is not liable for CIL because:
  - It is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling.

## **11. 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.

## **11. 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**