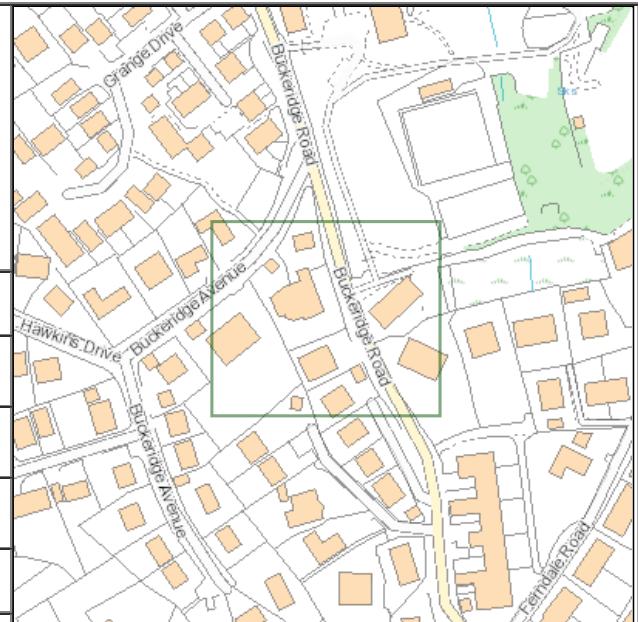


**Planning Committee Report**

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

<b>Date</b>	16 August 2022
<b>Case Officer</b>	Gary Crawford
<b>Location</b>	Garden Flat Campion Buckeridge Avenue Teignmouth Devon TQ14 8LX
<b>Proposal</b>	Replace wooden decking with composite decking
<b>Applicant</b>	Mr T Donnelly
<b>Ward</b>	Teignmouth Central
<b>Member(s)</b>	Cllr Alison Eden, Cllr Jacqui Orme
<b>Reference</b>	21/02717/HOU



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED - Indicative Plan**



## **1. REASON FOR REPORT**

Teignmouth Town Council have requested that this application is referred to the Planning Committee for determination if the case officer is recommending the application for approval for the following reason:

- The materials are not complementary to the existing building and against Planning Policy WE8 a).

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Works shall be retained in accordance with approved plans.

## **3. DESCRIPTION**

### The Site

- 3.1 The application site is the garden flat of Campion, a detached, two storey Victorian building situated on the corner of Buckeridge Avenue and Buckeridge Road. The site is located within the settlement limits of Teignmouth.

### The application

- 3.2 The proposal seeks retrospective permission to replace an existing wooden decking with composite decking at the rear of the property.

### The Principle of Development

- 3.3 The application site is located within the defined settlement limits of Teignmouth where Policy S21A is permissive of new development providing that the proposal accords with other relevant policies of the Local Plan. Given the domestic nature of the proposal and location within a residential area it is considered that the principle of this development is acceptable, subject to the provisions of policy WE8.

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

- 3.4 Policy S1 (Sustainable Development Criteria) of the Local Plan requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) of the Local Plan 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) of the Local Plan 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:

- a) the design and materials are complementary to the existing building."

- 3.5 The scale of the proposal is subservient to the host property and it is considered that the new decking does not overly dominate the character and appearance of the host property. It is acknowledged that the recently installed grey composite decking at the rear of Campion is in contrast to the red brick walls of the main building, however, the new decking is recessive in terms of its colour and any decking would likely be in a new / different material to the host property – including that which could be installed under permitted development rights. Furthermore, Campion also features white upvc conservatories on its rear elevation at both ground floor and lower ground floor level which are also in contrast to the materials of the original building. As such, it is considered that the grey composite decking has a neutral impact upon the character and appearance of the host building.
- 3.6 Due to the difference in levels between the application site and Buckeridge Road, and the existing vegetation on the site boundary, the grey composite decking is not readily visible when viewed from within Buckeridge Road. As such, it is deemed that the new decking does not have an impact upon the character and visual amenity of the area.

- 3.7 Given the scale of the proposal and the existing conservatories on the rear elevation of Campion, it is considered that the development is not unacceptably out of keeping with the existing property and is compliant with the provisions of Policies S1, S2 and WE8 on the Local Plan in respect of visual appearance and impact on the character of the area.

#### Impact of the residential amenity of neighbouring properties

- 3.8 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light.
- 3.9 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

- 3.10 Due to the distance between the new decking and neighbouring properties, it is deemed that the proposal does not result in any harmful overbearing impacts upon

neighbouring properties. Whilst there are some overlooking impacts to the rear section of the rear garden of Smugglers' Moon from the new decking area, due to the sloping levels of the application site, there would be some overlooking impacts upon the rear garden of Smugglers' Moon without the new decking area.

Furthermore, due to the existing conservatory at the garden flat and the timber fence along the boundary between the garden flat and Smugglers' Moon, the garden area closest to the rear elevation of Smugglers' Moon would not be overlooked from the decking area at the garden flat. As such, it is considered that the proposal does not result in any significantly harmful overlooking or loss of privacy impacts upon Smugglers' Moon.

- 3.11 There are some overlooking impacts from the decking area at the application site towards the windows in the north east elevation of No.41 Buckeridge Avenue. However, due to the levels of the application site, there would be some overlooking impacts from the rear garden of the garden flat at Campion towards the windows in the north east elevation of No.41 Buckeridge Avenue without the decking area. As such, it is considered that the proposal does not result in any significantly harmful overlooking or loss of privacy impacts upon No.41 Buckeridge Avenue.
- 3.12 The representations regarding light pollution from the LED lights within the new decking are noted, however, external lighting could be installed within the garden of the application site without requiring planning permission.
- 3.13 It is deemed that the proposal does not result in any detrimentally harmful impacts upon the residential amenity of neighbouring properties and the proposal is therefore compliant with the provisions of Policies S1 and WE8 of the Local Plan.

### Conclusion

- 3.14 The proposal has been considered compliant with the relevant policies of the Local Plan. Consequently, subject to the recommended condition, approval is recommended.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

## **5. CONSULTEES**

No consultation responses sought.

## **6. REPRESENTATIONS**

Neighbouring properties were consulted via letter.

Three letters of objection have been received which raised the following concerns:

- The new decking is more imposing than the previous decking.
- Overlooking and loss of privacy.
- Overbearing.
- Not in keeping with the existing property.
- Light pollution.

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

**Teignmouth Town Council:** Recommend refusal on the grounds that the materials are not complementary to the existing building and against Planning Policy WE8 a).

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **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**