
Appeal Decision

Site visit made on 13 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2016

Appeal Ref: APP/T2350/D/16/3158592

10 Pendle Drive, Whalley, BB7 9JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs C Pickles against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0459, dated 11 May 2016, was refused by notice dated 27 June 2016.
 - The development proposed is the creation of a balcony over existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a balcony over existing extension at 10 Pendle Drive, Whalley, BB7 9JT in accordance with the terms of the application, Ref 3/2016/0459, dated 11 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 65/16 Revision A dated May 2016.
 - 3) Before the commencement of development, full details of the proposed screens around the balcony, including samples of materials to be used, shall be submitted to and approved in writing by the local planning authority. The screens shall be erected in accordance with the approved details and shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposed balcony upon the (i) living conditions of the occupiers of nearby dwellings in respect of noise and privacy; and (ii) character and appearance of the area.

Reasons

Living Conditions

3. The appeal property is a detached dwelling with a large single storey rear extension over which the balcony is proposed. Concerns have been raised about noise and disturbance coming from the balcony especially during the evening and at weekends. I note comments that noise travels further at higher levels, however, I have little convincing evidence that the balcony would emit more noise to adjoining properties than might come from the garden. I have
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no real reason to believe that the balcony would result in large gatherings and noisy parties or that the noise would be anything more than that already expected within a residential area. Furthermore, the house is detached and there is separation between nearby adjacent properties.

4. Both sides of the balcony would have 1.8m obscure privacy screens which would prevent unacceptable overlooking of the dwellings to each side of the balcony. The Council has not substantiated its claim that the balcony would result in a "perception" of the front windows of No 12 and 14 being overlooked so I give little weight to this idea. Some overlooking of the garden of No 8 would be possible from the rear of the balcony but this would be little more than would already occur from the rear first floor windows.
5. I appreciate that the occupiers of Nos 12 and 14 would be able to see the balcony from their front windows but the properties are not close enough to the appeal site for the screens to be a dominant feature in their outlook.
6. I therefore conclude that the proposed balcony would not harm the living conditions of the occupiers of nearby dwellings. Consequently, I find no conflict with Policy DMG1 of the Ribble Valley Core Strategy 2014 (CS), which seeks to protect existing amenities.

Character and Appearance

7. The screens would be fairly tall and would extend along the full length of the flat roof. However, the top of them would be lower than the eaves of the main part of the house which is a substantial building. Therefore, the screens would be subservient. Moreover, they would be at the rear of the property which has only limited views from the street. Given the combination of these factors, I do not consider that the balcony would be unsympathetic or incongruous to the dwelling or to the wider area.
8. I therefore conclude that the proposed balcony would not harm the character or appearance of the area. Consequently, I find no conflict with CS Policies DMG1 or DMH5 which seeks to protect visual amenity.

Conditions

9. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary in the interests of precision, to define the plans with which the scheme should accord. Further details of the screen are necessary in the interests of the privacy of neighbours. This condition (No3) is a pre-commencement condition as it cannot be dealt with satisfactorily at any other time.

Conclusion

10. For the above reasons, the appeal is allowed subject to the conditions.

Siobhan Watson

INSPECTOR