The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 18 April 2017

Appeal Ref: APP/A2335/D/17/3166914
1 The Headlands, Heysham, LA3 2RX

- 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 Mr Mike Wolff against the decision of Lancaster City Council.
- The application Ref 16/01198/FUL, dated 20 September 2016, was refused by notice dated 4 November 2016.
- The development proposed is creation of a balcony over the existing flat roofed single-storey rear extension (revision of 15/00710/FUL).

Decision

1. The appeal is allowed and planning permission is granted for creation of a balcony over the existing flat roofed single-storey rear extension (revision of 15/00710/FUL) at 1 The Headlands, Heysham, LA3 2RX in accordance with the terms of the application, Ref 16/01198/FUL, dated 20 September 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not 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 plans: 437/L/01; 437/L/02; 437/L/03; and, 437/L/08.

    3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) Notwithstanding condition no. 3) above, the glazing panels fitted along the northern side of the balcony hereby approved shall comprise obscured glass. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the glazing panels are installed. The balcony hereby approved shall not be occupied until the approved obscured glazing has been installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of residents of No. 2 The Headlands, with particular reference to privacy.

Reasons

3. Nos. 1 and 2 are neighbouring detached houses. No. 1 has a single-storey, flat roofed rear annexe, which is positioned a short distance from the appeal site's northern side boundary shared with No. 2 and projects beyond the alignment of the main back wall of that neighbouring dwelling.

4. The Council has granted planning permission Ref. 15/00710/FUL for the construction of a balcony over part of the roof of the appeal property's rear annexe. This approved scheme, which has yet to be implemented, would extend from the main back wall of No. 1 by around 2.5 metres. In my judgement, from that balcony it would be possible to overlook the limited section of the conservatory of No. 2 that projects from a recess part way along the back wall of that property.

5. The proposal involves the construction of an alternative balcony over the annexe of No. 1, which would extend from the main back wall by around 3.6 metres. The balustrading along the northern side of the appeal balcony would comprise obscured glass panels between support posts. In my judgement, the potential for overlooking of the conservatory of No. 2 from the proposal would be low. It would be restricted, not least, as only a limited section of the conservatory projects beyond the alignment of the back wall of that neighbouring dwelling. The potential for overlooking would not be materially greater than that associated with the approved scheme.

6. It appears uncertain as to whether the previously approved scheme would be likely to be implemented in the event of planning permission being withheld for the appeal proposal and so I give it limited weight as a fallback position. Nevertheless, in any event, I conclude that the effect of the proposal on the living conditions of the residents of No. 2, with particular reference to privacy, would be acceptable. The scheme would not conflict with the aim of Policy DM35 of *A Local Plan for Lancaster District, 2011-2031*, to ensure that development does not have a significant detrimental impact on privacy or the aim of the *National Planning Policy Framework* (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings. An owner of No. 2 has confirmed that he does not object to the scheme and this adds further weight to my conclusion.

Conditions

7. The Council has suggested 3 conditions, which it considers should be imposed in the event of the grant of planning permission in this case. In addition to the normal commencement condition, a condition would be necessary, in the interests of certainty, to ensure that the works would be carried out in accordance with the approved plans. A condition would be required, in the interests of visual amenity, to ensure that the materials used in the external surfaces of the proposal would match those used in the existing building, which includes some glazed balustrading, with the exception of the glazing along the northern side of the proposed balcony.

8. In my judgement, an additional condition would be necessary, in the interests of the privacy of the residents of No. 2, to ensure that obscured glazing, referred to on the approved plans, would be fitted along the northern side of the proposed balcony and retained thereafter.

Conclusions

9. I conclude on balance, that the proposal would amount to sustainable development, under the terms of the Framework, and it would accord with the Development Plan. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR