
Appeal Decision

Site visit made on 17 May 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/B1415/D/17/3169136
25 Boyne Road, Hastings TN35 5NY

- 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 Ms Shelley Plumb against the decision of Hastings Borough Council.
 - The application Ref HS/FA/16/00739, dated 9 September 2016, was refused by notice dated 4 November 2016.
 - The development proposed is a garden room extension with conservatory over.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring residential properties.

Reasons

3. The appeal property comprises a semi-detached house located on the northern side of Boyne Road. There are similar pairs of semi-detached houses to either side. The land drops sharply from south to north so that the ground floor of the houses are set down below road level. Effectively therefore the properties are 3 storeys in height when viewed from rear garden level. At the rear there is a two storey projection at upper and lower ground floor level and beyond that an existing balcony.
4. In terms of impact of the proposed extension, there would be no impact from the garden room to either adjoining neighbour at Nos 23 and 27 Boyne Road, because it would effectively be at lower ground floor level. However, although the conservatory would be at ground floor level in relation to the internal property, it would effectively appear as a first floor extension when viewed from the rear and well beyond the rear main wall of the house because of the existing projection. The conservatory would be of substantial size which the Council advises would be 3.8m in depth and 4.8m in width and with a shallow pitched roof above. The new balcony built as part of that structure would extend a further 1 metre in depth beyond that.
5. The relationship between the properties at the rear is quite tight because of their semi-detached nature and relatively narrow spaces between each pair. In

that respect, given the size and extent of the proposed conservatory and balcony, together with its overall projection beyond the rear of the house, I agree with the Council that it would be a dominating structure which would harm the outlook from both neighbouring properties, particularly when viewed from their rear gardens which are relatively narrow. In my view such harm would be unacceptable and would adversely affect the living conditions of the occupiers of those properties.

6. I acknowledge that there is an existing conservatory at No 23, but the profile of that follows the pitch of the roof of its own rear projection and therefore it does not dominate the rear of the properties as the current proposal would.
7. With regard to overlooking, the Council is uncertain about when the existing balcony was erected, although I note that both the appellant and the neighbour at No 23 confirm it was built approximately 12 years ago. I also observed the neighbouring balcony at No 27 and indeed further similar balconies to the rear of nearby properties and there is thus already some degree of mutual overlooking of adjoining rear gardens along this part of the road, including from the appeal property. As to any increased overlooking, there is an existing fence currently preventing direct overlooking between the balconies of Nos 23 and 25 and I note that obscure glazing was proposed in the side elevation of the conservatory to maintain that level of privacy. With regard to No 23, I do not consider there would be any further overlooking from the proposed balcony than that which currently exists particularly because that property has some protection from a screen wall which encloses part of the rear garden.
8. I acknowledge that the conservatory might enable more prolonged periods of overlooking to No 23 than is currently the case from an outside balcony, but some form of opaque glazing could have mitigated that, similar to what is proposed currently to the side facing No 27, had the development been acceptable in principle.
9. I note that the Council considers there would be no direct loss of daylight arising to both neighbouring properties and having visited the site, I agree with that assessment. Whilst there might be some limited loss of sunlight to the balcony of No 27 in the late afternoon or early evening at certain times of the year, I do not consider that in itself would justify a refusal of permission, particularly given that the rear garden area would be unaffected.
10. Although concerns have also been expressed by the occupiers of No 29 Boyne Road, given the separation distances involved I do not consider there would be any adverse impact arising.
11. Whilst I have found that the proposal would be acceptable in some respects, the proposed size, bulk and positioning of the conservatory and balcony would adversely affect the outlook from both neighbouring properties and harm their living conditions as a result. The development would therefore be contrary to Policy DM3 of the Council's Development Management Plan 2015, in that it would have an adverse impact on the amenity of adjoining properties.
12. Accordingly, the appeal is dismissed.

Kim Bennett INSPECTOR