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## Appeal Decision

Site visit made on 5 July 2017

**by Cullum J A Parker BA (Hons) MA MRTPI IHBC**

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

**Decision date: 14<sup>th</sup> July 2017**

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**Appeal Ref: APP/A2280/D/17/3176943**  
**174 Magpie Hall Road, Chatham ME4 5XJ**

- 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 Steven Medhurst against the decision of Medway Council.
  - The application Ref MC/17/0777, dated 28 February 2017, was refused by notice dated 27 April 2017.
  - The development described as '*erection of a balcony deck over existing rear extensions to garden with access stairway*'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on the character and appearance of the locality and on the living conditions of neighbouring occupiers, with specific regard to overlooking and privacy.

### Reasons

3. The appeal building comprises a mid-terrace dwelling with box dormers located in the front and rear roof slopes. The building has been further altered to the rear with a single storey flat roof extension which leads onto a conservatory. Beyond this is a paved garden area, with outbuilding to the end of the garden. Further beyond the end of the garden is Chatham Cemetery. The balcony for which permission is sought has already been installed with timber stairs on the southern boundary providing access. With windows at first floor level, these stairs provide the sole access to the timber balcony which is located on the flat roof single storey extension.
  4. The balcony has a floor area of around 10.75m<sup>2</sup>. The appellant considers that this provides an '*essential outdoor space to improve the amenity levels for occupants of buildings where the outdoor area is considered to be limited for this four bedroom dwelling*'. However, during my site inspection I was not able to see any evidence of any other balconies within in this locality. Indeed, the two examples shown by the appellant in their statement of case appear to relate to other buildings within other parts of the district. As a result, the balcony installed in this case appears as an odd and intrusive feature within this residential context. I do not consider that the painting of the balcony white would overcome this incongruity within the local built environment.
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5. This incongruity is further exacerbated by the proliferation of extensions already on the rear elevation, which include a single storey extension, a conservatory, and a large box dormer window. The addition of the balcony to this, together with its staircase, only intensifies this already visually busy rear elevation. Whilst I note that the appellants considers that the amenity area created by the balcony is 'essential' there is no justification as to why the provision of about 10.75m<sup>2</sup> of floor area is essential; especially when the building is already served by a reasonably sized garden with outbuilding.
6. In terms of living conditions, I note the suggestions that the use of 1.8 metre high screening could help reduce the ability to overlook the rear gardens of adjoining properties. I also note that there are windows in the rear elevation from which the adjoining gardens could be overlooked from. However, the nature of these windows serving bedrooms for example is very different to a terrace or balcony where the primary purpose is for occupants to sit outside. This is a different relationship to the overlooking from windows, which tends to be transient in nature.
7. Indeed, I was able to stand on the platform at the inspection and clearly see into a number of nearby gardens and the public cemetery beyond. Even if some screening were used, clear views into these gardens would remain. As a result I consider that the balcony and staircase installed have an adverse impact on the living conditions of neighbouring occupiers with specific regard to overlooking and loss of privacy.
8. I therefore conclude that the development result in material harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. Accordingly, it is contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003, which amongst other aims, seek to ensure that the design of developments should be appropriate to the character, appearance and functioning of the built environment and that all development should protect the amenities enjoyed by nearby and adjacent properties.
9. For the reasons given above, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR