
Appeal Decision

Site visit made on 18 July 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 4th August 2017

Appeal Ref: APP/P1805/D/17/3174250

The Crows Nest, 18 Tollhouse Road, Stoke Heath, Bromsgrove, Worcester B60 3QL

- 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 Euan Rose against the decision of Bromsgrove District Council.
 - The application Ref 17/0053, dated 19 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is erection of a 2.16m x 1.2m fire escape/assembly point and balcony to rear elevation of property.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 2.16m x 1.2m fire escape/assembly point and balcony to rear elevation of property at The Crows Nest, 18 Tollhouse Road, Stoke Heath, Bromsgrove, Worcester B60 3QL in accordance with the terms of the application, Ref 17/0053, dated 19 January 2017, and the plans submitted with it.

Preliminary Matters

2. The development has already been constructed in accordance with the submitted drawings and I was able to access and view it during my site visit.

Main Issue

3. The main issue is the effect of the balcony on the living conditions of the occupiers of 5, 7 and 9 Countinghouse Way in respect of overlooking and loss of privacy to their rear gardens.

Reasons

4. 18 Tollhouse Road (No 18) is a modern two storey detached dwelling with a rear garden which narrows to a point. The northern boundary of the site is contiguous with the rear boundaries of Nos 7 and 9 and part of the rear boundary of No 5 Countinghouse Way. These dwellings and associated gardens are on higher ground than the appeal site. The existing boundary treatment along the rear of these gardens comprises a combination of landscaping and fencing.
5. The appellant states that the development is intended to be a fire escape/assembly point. However, I have been provided limited justification for

this. Moreover, it is evident from the representations made by neighbours that the balcony has been used for amenity purposes. I also concur with the Council that although modest in size the balcony can accommodate at least two adults either standing or on chairs around a small table. Therefore, I consider that the primary use of the balcony will be for amenity purposes and have determined the appeal on this basis.

6. The balcony is located along the rear elevation of No 18, in front of a first floor door and window combination, which is predominantly glazed and serves a first floor habitable room. This door and window combination facilitates views towards the rear gardens and backs of properties 5, 7 and 9 Countinghouse Way. In parts the existing fencing and landscaping impede these views. There are no direct views over these gardens because of the considerable distance and levels difference between the rear elevation of the appeal property and neighbouring gardens.
7. The balcony is only marginally wider than the door and window combination. However, it has introduced a projecting vantage point beyond the rear elevation of No 18 at first floor level. Standing on the balcony brings you a step closer to the boundaries with adjoining properties. Irrespective of this, the extent of views available are not appreciably greater than the views already available from behind the door and window combination and those available from other first floor rear facing windows at No 18, which serve a bedroom and study.
8. I acknowledge that persons using the balcony are apparent at a distance from the neighbouring dwellings and associated gardens and this does increase the perception of being overlooked. However, for the reasons set out above there is no actual increase in overlooking or loss of privacy. Furthermore, the balcony is an outdoor space and its use is subject to the weather. This combined with its modest depth limits the intensity of its use and perceived impact upon neighbouring properties.
9. I therefore conclude that the balcony does not result in an adverse effect on the living conditions of neighbours by way of an unacceptable level of overlooking or loss of privacy to their rear gardens. Therefore, the development does not conflict with Policy BDP1 of the Bromsgrove District Plan 2011-2030, adopted January 2017 or the National Planning Policy Framework, which amongst other matters require new development to have regard to the living conditions of neighbours.

Conditions

10. As the development has already been completed in accordance with the submitted drawings I am not proposing any conditions.

Conclusion

11. For the reasons set out above, I allow this appeal.

M Aqbal

INSPECTOR