
Appeal Decision

Site visit made on 19 October 2017

by R J Maile BSc FRICS

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

Decision date: 27 October 2017

Appeal Ref: APP/L2250/D/17/3180654

8 Varne Mews, Coast Drive, Greatstone, New Romney, Kent, TN28 8NS.

- 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 Rodney Howard against the decision of Shepway District Council.
 - The application ref: Y17/0417/SH, dated 4 April 2017, was refused by notice dated 2 June 2017.
 - The development proposed is: "Removal of conservatory roof and replace with a balcony and glass railings. Replace existing bedroom window with French doors."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed balcony and obscure glazed screen upon the living conditions of nearby residents at 7 and 9 Varne Mews.

Reasons

3. 8 Varne Mews is a modern terraced house, being one of a block of four fronting the east side of Coast Drive. It backs onto a grassed area and car park, beyond which is the sea. Nos. 8 and 9 are constructed in the form of semi-detached houses, while nos. 7 and 8 are linked at ground floor level by their respective garages.
4. National policy at paragraph 17 of the Framework¹ and "saved" Policies BE8 and SD1 k) of the Local Plan² require that alterations and extensions to existing buildings should reflect the scale, proportions and detailing of the original building and should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties.
5. The scheme before me would replace an existing glazed conservatory with its lean-to roof by a more solid structure with flat roof and a balcony above. The balcony would be provided with a 1.8m high obscure glazed screen along its

¹ The National Planning Policy Framework.

² The Shepway District Local Plan Review (Adopted Plan 16 March 2006).

north elevation in order to prevent direct overlooking of the private garden and rear-facing windows of no. 9 next door.

6. During my site visit I noted the wooden balcony to no. 7 to the south, which does not have any form of screening in order to minimise overlooking of the adjacent gardens. The restaurant ("Sotirio's") to the north also has a large balcony area with only modest screens of brick and glass to reduce overlooking towards the adjacent dwellings. I am not aware of the planning history associated with either of these structures.
7. The restaurant balcony would not allow overlooking of the gardens of 8 and 9 Varne Mews given their detailed relationship and the existence of close boarded fencing along the garden boundaries. Likewise, having regard to the siting of the garages serving 7 and 8 Varne Mews I am satisfied that their presence would minimise any potential overlooking from the balcony of no. 7 towards the appeal site.
8. The balcony the subject of this appeal would be separated from the private garden area of no. 7 by the rearward projection of the two garages and by the boundary fence and hedging. As such, there would be no unacceptable loss of privacy or other adverse impact arising from the development upon the residents of no. 7.
9. The new structure would permit overlooking of the private garden of 9 Varne Mews and its rear-facing habitable room windows at close range. For these reasons, and in order to prevent any loss of privacy, it is proposed to erect an obscure glazed screen some 1.8m above the floor level of the balcony.
10. I am satisfied that such a screen would achieve this objective. However, the screen would be sited close to the common boundary with no. 9 and, given its height, would appear as an overbearing and dominant structure when viewed from the rear-facing ground and first floor windows of that property and also from its rear private garden and sitting out area.
11. I have therefore found upon the main issue that the proposed balcony, with its obscure glazed screen, would have an unacceptable impact upon the amenity of existing and future residents of 9 Varne Mews contrary to national policy in the Framework as referred to above and "saved" Policies BE8 and SD1 k) of the Local Plan.

Conclusion

12. For the reasons given above, I have concluded that the appeal should fail.

R. J. Maile

INSPECTOR