
Appeal Decision

Site visit made on 20 November 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 7th December 2017

Appeal Ref: APP/X3025/D/17/3179415

77 Skegby Lane, Mansfield, Nottinghamshire NG19 6QS

- 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 Gary Gelsthorpe against the decision of Mansfield District Council.
 - The application Ref 2017/0220/HHA, dated 17 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is rear balcony.
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Decision

1. The appeal is allowed and planning permission is granted for a rear balcony at 77 Skegby Lane, Mansfield, Nottinghamshire NG19 6QS, in accordance with the terms of planning application Ref 2017/0220/HHA, dated 17 March 2017 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans and Elevations (Plan 1 of 2) and Proposed Plans and Elevations (Plan 2 of 2), Location Plan, Block Plan.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Prior to the balcony hereby approved being first brought into use, the privacy screen shall be erected as shown on the approved plans and shall be retained in that position for the life of the development.

Main Issues:

2. The main issues in this case are:
 1. The effect of the proposal on the character and appearance of the area.
 2. The effect of the proposal on the living conditions of neighbouring residents having particular regard to privacy.

Reasons

Character and appearance

3. The appeal property lies in a well-established residential area comprising groups of properties of a similar style, laid out in a regular pattern. Those on

this section of Skegby Lane/Stirling Avenue are detached split-level houses set at an angle to the highway. As a result of the change in land levels, the houses appear to be single storey when viewed from Skegby Lane and two-storeys from Stirling Avenue. Properties have a distinctive gabled roof form and ground floor integral garage with vehicular access from Stirling Avenue.

4. The proposal is for the extension of the property at the rear to form a balcony at first floor level. The supporting structure would be constructed in brick to match the existing house and would be open at ground floor level to allow access to the garage. The balcony would be enclosed by a smoked glass balustrade which would be positioned higher on the side adjacent to No 75, above a brick wall.
5. Although the balcony would project some 3m from the face of the building, it would have an open form and appearance that would retain the legibility of the existing house. The glass balustrade would also be visually lightweight and as such the structure would not dominate the property or adversely affect its current gabled form.
6. Moreover, as a result of the staggered position of the houses relative to one another, the structure would not project beyond the rear elevation of No 75 and as such would not be an unduly dominant feature in the street scene. In addition, whilst there are no balconies on properties in this particular row, I noted that Nos 85-105 Skegby Lane, in close proximity to the site, are designed with similar projecting elements at the rear incorporating balconies. As such the development would not be unusual in the area.
7. For these reasons the proposal would accord with Policy H13 (1) of the Mansfield District Local Plan (1998) which requires that extensions or alterations of existing dwellings do not have a detrimental effect on the character and/or appearance of the street scene or the surrounding area generally.

Living Conditions

8. Properties in this row, which appear to be built with the same internal layout, have first floor side facing windows serving a kitchen and a bathroom. I noted at my site visit that at No 75 the bathroom window is at a high level and is fitted with obscure glass. The kitchen window is a secondary window, the principal window being positioned in the rear elevation facing to the south over open space. Whilst the side facing windows are close to the common boundary I am satisfied that the privacy screen formed by the side wall with smoked glass balustrade above, would prevent undue overlooking from the balcony. On the opposite side, No 79 is set further back and any views of habitable windows would be oblique such that they would not unduly harm privacy.
9. I have taken into consideration the Council's concern that the balcony would allow overlooking of the amenity spaces of neighbouring properties. Whilst I note that these properties have only limited amount of outdoor space, the space fronting Stirling Avenue appears to be predominantly used as parking space. Moreover, there is already a degree of overlooking of these spaces from existing habitable room windows as well as from the highway. Consequently the use of the space would not be unduly compromised by the proposal.

10. For these reasons the proposal would not harm the living conditions of neighbouring residents. As such the proposal would be in accordance with Policy H13 (2) which seeks to maintain residential amenity for adjacent occupiers.

Conditions and Conclusion

11. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area I have specified that matching materials are used in the development. To protect the privacy of the neighbouring residents a condition specifying the installation and retention of the privacy screen is also necessary.
12. For the reasons set out above and subject to these conditions, and taking all other matters raised into account, the appeal is allowed and planning permission is granted.

Susan Ashworth

INSPECTOR