The Planning Inspectorate

Appeal Decision

Site visit made on 3 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/P5870/W/19/3227998
21A Parkgate Road, Wallington SM6 0AU

- 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 Eddie McColgan against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2018/01832, dated 10 October 2018, was refused by notice dated 11 December 2018.
- The development proposed is retrospective application for balcony with screening.

Decision

1. The appeal is allowed and planning permission granted for balcony with screening at 21A Parkgate Road, Wallington SM6 0AU in accordance with the terms of the application, Ref DM2018/01832, dated 10 October 2018 subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 'Site Location Plan'; 'Proposed Plans' 18295/11; 'Proposed Elevations' 18295/12; and 'Proposed 3D' 18295/13.

    2) Unless within 1 month of the date of this decision a sample of the 1.8 metre high obscure glazed screen shall be submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the balcony shall cease.

    Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained

    In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. At the time of my site visit, I saw that the development of the balcony had commenced and was substantially complete, although the 1.8 metre high obscure glazed screen indicated on the submitted proposed plans was absent. I have therefore considered the appeal on this basis.

3. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, it refers to a different description of development. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are the effect of the balcony upon (i) the character and appearance of the host building and surrounding area; and (ii) the living conditions of the occupiers of neighbouring properties in respect of privacy, noise and disturbance.

Reasons

Character and appearance

5. The appeal site is a maisonette within a large semi-detached property set within a reasonably generous sized plot on Parkgate Road. The neighbouring semi-detached property is No 23 Parkgate Road.

6. The balcony is at first floor level on the rear south west elevation of the building and is accessed via a pair of doors off a habitable room. It is timber in construction and is approximately 1.3 metres deep and 3.97 metres wide. The balustrade, which is open in design and form, and hand rail are also constructed from timber.

7. As I have noted above in paragraph 2 the 1.8 metre high obscure glazed screen indicated on the submitted proposed plans was absent. However, it would be positioned along one side of the balcony tight to the boundary with No 23.

8. The development is visible from some garden areas of neighbouring properties on Parkgate Road and Taylor Road, but the presence of mature trees, bushes and other general foliage within these gardens' and along the boundaries between them, interrupts to a degree the visibility. However, by virtue of the position of the balcony on the rear elevation of the building, combined with the location of the property within the wider layout of development in the area, it is not visible from the public realm.

9. The balcony does change the appearance of the building and the timber used contrasts with the rear elevation of the property, part of which is painted white. However, set against the substantial size of the building it is relatively modest in scale. Taking this into account, in combination with the open design and form of the balustrade, its appearance is not visually dominant and is a subservient addition to the rear elevation of the host building.

10. Overall, for the reasons outlined above, I conclude that the balcony does not significantly harm the character and appearance of the host building and surrounding area. Consequently, in respect of this issue it accords with the design aims of Policy 28 of the adopted Sutton Local Plan 2016-2031 (LP) and the Supplementary Planning Document 4: Design of Residential Extensions (SPD), which amongst other things set out to ensure that proposals do not

detract from the character and appearance of existing development and the surrounding area.

Living conditions

11. At its closest the balcony is approximately 1.0 metre away from the first floor windows on the rear elevation of No 23. However, the development would include a 1.8 metre high obscure glazed screen positioned along the side of the balcony tight to the boundary with No 23. Hence, the visibility between the space occupied by the balcony and the windows serving the room on the first floor of No 23 would be obscured subject to the imposition of a planning condition to secure details of the screen. Thus, there would not be any significant loss of privacy as a result of overlooking to the internal living space for the occupiers of No 23.

12. The windows on the rear elevation of the appeal property look towards some of the garden areas of both adjoining properties on Parkgate Road, however taking into account the screening afforded by vegetation and the provision of the aforementioned screen, the development does not significantly alter the existing level of privacy to the garden areas for occupiers of the neighbouring properties due to overlooking.

13. Given the size of the balcony and its association with a maisonette dwelling I do not consider that any increase in noise or disturbance arising from its use, given the residential surroundings, is so significant that it is harmful to the living conditions of the occupiers of No 23.

14. For the reasons outlined above, I conclude that the use of the balcony is not significantly harmful to the living conditions of the occupiers of neighbouring properties in respect of privacy, noise and disturbance. Therefore, it accords with Policy 29 of the LP which requires amongst other things that new development protects the living conditions of occupiers of neighbouring properties.

Conditions

15. I have considered the Council's suggested planning conditions. As the development has in part already commenced the standard three-year time limit condition is not required. A condition specifying the approved plans is necessary in the interests of certainty. Precise details of the 1.8 metre high obscure glazed screen are required to prevent overlooking and a loss of privacy to the occupiers of No 23, but in the interests of precision and enforcement, I have amended the wording of the Council's suggested condition.

Conclusion

16. For the reasons set out above I conclude that the appeal should be allowed.

Andrew Bremford

Inspector