



Appeal Decision

Site visit made on 30 September 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/T2215/D/19/3232275
23 Church Road DA10 0HG

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Katya Gospodinova against the decision of Dartford Borough Council.
 - The application Ref DA/19/00516/FUL, is dated 18 April 2019, was refused by notice dated 13 June 2019.
 - The development is an addition of balcony to first floor.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. I note the appellant's claim that the balcony has been in place for five years, and their previous application, but this appeal is against the refusal of planning permission and I will therefore treat it as such and determine it on its planning merits.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupiers of surrounding properties, including 25 Church Road, with particular regard to privacy, noise and disturbance.

Reasons

5. The appeal site is a mid-terrace two-storey property. The properties within this terrace are fairly narrow which provides a sense of closeness with the neighbours. The balcony is set above the ground floor rear projection. It has fencing around the perimeter with additional vegetative screening at some points. This screening limits views to neighbouring gardens when at a seated level, but not when standing. Due to the close proximity of the property boundaries and raised position of the balcony, users of the balcony have direct views into the rear gardens of the immediate neighbours at No.21 and No.25 and beyond, which harms the privacy of the occupiers of those properties.

6. Also, the balcony is extremely close to the first-floor window of No.25. Notwithstanding the net curtains that were present, the proximity of the balcony to that window provides a very clear and direct view into this room, further harming the resident's privacy. Although the balcony is also close to the first-floor window at No.21, its distance from that window is sufficient such that the effect on the privacy of the occupiers of this property in this regard is not harmful.
7. Most residential dwellings along Church Road have rear garden areas. The use of the balcony, in whatever capacity, introduces activity at a height that is not common for the neighbouring properties. Noise created from any activity on the balcony would inevitably be more audible to the occupiers of the first-floor rooms at No.21 and No.25 due to balcony's proximity to these properties, compared to if the rear garden were to be used. As such, the use of the balcony could be unacceptably disturbing to the occupiers of Nos. 21 and 25.
8. Although, the appellant states that no complaints have been made by neighbours since the balcony was first provided, this does not necessarily indicate a lack of harm. In any case I must consider the impact on future as well as current neighbouring occupiers.
9. As such, I consider that the development has a harmful effect on the privacy of the occupiers of the neighbouring properties and could also facilitate a level of activity which would be disturbing to those residents. These effects would harm the living conditions of the occupants of these properties. For these reasons, therefore, the development conflicts within Policy DP5 and DP7 of the Dartford Development Policies Plan, adopted July 2017, (Development Plan) which both seek to, in general, protect neighbours from, among other things, noise disturbance and overlooking.

Other Matters

10. The appellant outlines how the balcony is of benefit to them functionally. However, I see no reason why the activities outlined could not be undertaken within the ground floor rear garden. Also though I understand the appellant has presented some suggestions to the Council to overcome the harm outlined, I can only consider the appeal based on the drawings before me.

Conclusion

11. For the reasons set out above, I recommend that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR