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## Appeal Decision

Site visit made on 3 December 2019 by G Sibley MPLAN MRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 February 2020**

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**Appeal Ref: APP/T0355/D/19/3234834**

**89 Slough Road, Datchet, Slough SL3 9AL**

- 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 Mrs Charlotte Smith against the decision of The Royal Borough of Windsor and Maidenhead.
  - The application Ref: 19/01243/FULL, dated 1 May 2019, was refused by notice dated 2 July 2019.
  - The development proposed is hip to gable, rear dormer with roof terrace balcony, side window and 1 No. front rooflight to facilitate a loft conversion. Hip to gable, rear dormer and side window approved under consent 19/00413/FULL. Application is to substitute the approved Juliet balcony with a roof terrace balcony.
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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 Matters

3. Planning permission has already been granted for the hip to gable, rear dormer, side window and roof light under consent (19/00413/FULL). The proposal before me would substitute the approved Juliet balcony with a roof terrace.
4. The hip to gable, rear dormer, side window and roof light have already been approved and I agree with the Council that those elements would be acceptable from a character and appearance perspective and a living conditions perspective. Whilst I agree that those elements would be acceptable, the appellant has not specifically requested that a split decision is issued, with approval being granted for the elements that are not in dispute, and there is little benefit in taking that course of action given that those elements already benefit from permission through the previous application. Consequently, I shall focus my recommendation on the issue in dispute which is the effect of the roof terrace balcony.
5. The site is located within the Green Belt and it is agreed by both parties that the proposed development would not be inappropriate development in the Green Belt, and I agree with this conclusion.

## **Main Issues**

6. These are:

- 1) The impact the proposed development would have on the living conditions of the occupiers of the neighbouring properties with regard to loss of privacy; and
- 2) the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

## **Reasons for the Recommendation**

### *Living conditions*

7. The proposed balcony would be located to the rear of the dwelling on top of the two storey outrigger. There is a small balcony located above the ground floor of the dwelling which overlooks the gardens to the north with the view of the gardens to the south blocked by the flank wall of the dwelling. The proposed balcony would overlook both the gardens to the north but also to the south of the dwelling. There is a dwelling on Slough Road that has a balcony that overlooks the gardens of the surrounding dwellings. Nevertheless, the proposed balcony would be located on the second floor of the building and consequently the appellants would overlook a wider area, and this would result in a further loss of privacy for the occupiers of the surrounding dwellings when using their gardens. The high vantage point offered by the second-floor balcony would result in a real sense of being overlooked from above which would substantially reduce privacy and detract from the enjoyment of outdoor space. Whilst there is some overlooking from the existing balcony on both this dwelling and the balcony further down the road, this does not justify the further loss of privacy for the occupiers of the neighbouring dwellings.
8. I have considered whether the harm could be mitigated through the use of conditions, for example to require that a privacy screen is erected around the perimeter of the balcony. However, in order to be effective, such a screen would need to be of a height that would negate any outlook from the balcony which would affect its functionality as an outdoor space. Having regard to that and being mindful that no such condition has been suggested by the appellant, I am not satisfied that the harm could be mitigated in a satisfactory manner.
9. Therefore, the proposed development would result in the loss of privacy for the occupiers of the neighbouring dwellings when using the rear gardens which would result in harm to their living conditions. The proposed would be contrary to policy H14 of The Royal Borough of Windsor and Maidenhead Local Plan (LP).

### *Character and appearance*

10. The proposed balcony would require the pitched roof of the outrigger to be removed and replaced with a flat roof. The pitched roof of the adjacent building would remain as built. The House Extensions Guidance Note 1 (GN1) notes that flat roofs should be avoided on 2 storey extensions and that pitched roofs should match existing roof lines. The matching hipped roofs on the outriggers to the rear of the property, the adjoining property and other dwellings in the terrace. They are an attractive original feature which give the rear of the terrace a balanced and well-proportioned appearance. The proposal would result in a part flat roof, with associated walls and boundary enclosures, which would remove the current hipped arrangement and significantly disrupt the

balance of the host dwelling and the neighbouring properties. It would appear as an incongruous addition as a result.

11. The proposed balcony would be located to the rear of the property and as such would not be particularly visible from the public domain. As such the effect the proposal would have on the character and appearance of street scene would be limited.
12. Nevertheless, it would be visible from various private vantage points and the requirement for good design, as set out at paragraph 130 of the National Planning Policy Framework, is not limited to development that is highly prominent in the public domain. Similarly, policy H14 of the LP requires that proposals should not have any adverse effect on the character or appearance of the original property; a criteria which is not limited to extensions that are visible from the public domain. For the reasons given, the proposal would cause harm to the character and appearance of the dwelling and would be contrary to policy H14 as a result.

### **Conclusion and Recommendation**

13. The proposed development would overlook the gardens for the surrounding properties which would result in a loss of privacy for the occupiers of the surrounding dwellings. The proposal would introduce a flat roof which would not match the existing roof line of the host dwelling or the neighbouring property. Whilst this is located to the rear of the property this would cause harm to the character and appearance of the host dwelling and the street scene. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

*Chris Preston*

INSPECTOR