



Appeal Decision

Site visit made on 14 July 2020

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2020

Appeal Ref: APP/Y2430/W/20/3246255

4 Main Street, Redmile NG13 0GA

- 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 Ms Kelly Duggan against the decision of Melton Borough Council.
 - The application Ref 18/01230/FUL, dated 15 December 2018, was refused by notice dated 28 August 2019.
 - The development is trellis, balcony/communal amenity area, extension of window down to first floor flat level roof at rear to give access, decking laid from the window to parapet(5m) and to the tiled roof(4m).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description from the Council's decision notice, as this more accurately describes the development. However, I have altered it slightly to reflect the fact that the development is already in place.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of No 1a Post Office Lane (No 1a) with particular regard to privacy.

Reasons

4. The appeal property is a first floor flat above a public house. The development creates a deck above a flat roof accessed through a pair of doors from a hallway.
5. I acknowledge the comments about the advice received with regard to whether or not the development required planning permission before starting works. I also acknowledge the development is solely for the use of the occupants of the appeal flat and is intended to be used for drying clothes only. I note the appeal property does not have access to any private outdoor space. I also note the appellant's willingness to amend the scheme.
6. However, I must deal with the scheme before me on its planning merits and make my decision on the scheme which formed the subject of the Council's decision notice.

7. I do not doubt the occupants intended use of the development. However, I was able to stand on the deck and look down into the rear garden of No 1a and was also able to see into a number of windows. The space created by the development is large enough to sit out on and there would be no way of preventing any alternative future occupiers from doing so should they wish to use it in this way.
8. Irrespective of any screening, trellis or otherwise, the presence of people in an elevated space large enough for sitting out so close to No 1a would, if used in this way, generate intrusion simply through voices and the sounds associated with people using and moving around the space.
9. However, the double doors leading out onto the deck are mainly obscurely glazed and if fixed shut there would be no risk of overlooking. Nevertheless, at the current time they are not and overall, I must find the development harmful to the living conditions of the occupants of No 1a with particular regard to privacy.
10. For these reasons, the development conflicts with Policy D1 of the Melton Local Plan 2011-2036 (2018) which among other things seeks to achieve good design and protect the living conditions of nearby residents.

Other Matters

11. The appeal site is within the Redmile Conservation Area (CA). In accordance with the statutory duty I am required to have special regard to the effect of the development on the character and appearance of the area. The development is not visually prominent and small in scale such that it would have a negligible effect and therefore preserve the character and appearance of the CA.
12. In reaching these conclusions, I acknowledge No 1a was built on land previously associated with the public house, I also note the benefits to the occupants of the flat in terms of privacy, security and other living conditions. I have also considered the comments from nearby residents in favour of the proposal and the contribution the development may make to the viability of the public house. However, I have determined the appeal on its planning merits and these matters, or any others raised do not outweigh my earlier findings.

Conclusion

13. For the reasons given above, the development would not accord with the development plan and the appeal should therefore be dismissed.

L Fleming

INSPECTOR