



Appeal Decision

Site visit made on 10 July 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/K3605/D/20/3247103

14 Blair Avenue, Esher KT10 8BQ

- 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 D Tickner against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3114, dated 30 October 2019, was refused by notice dated 10 January 2020.
 - The development proposed is the retention of a door leading onto flat roof and erection of a close boarded screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the door onto the flat roof was in situ, however the close boarded screen was not yet erected. I have therefore made my decision on this basis.

Main Issues

3. The main issues are the effects of the proposal upon:
 - the character and appearance of the locality; and
 - the living conditions of surrounding occupiers, with particular regard to overlooking and privacy to No's 12 and 16 Blair Avenue.

Reasons

Character and appearance

4. The appeal property is part of a larger planned residential development which appears to date from the mid-twentieth century and contains a mix of semi-detached and terraced dwellings. The dwellings are simplistic in design and form and are constructed of brick with a pitched and gabled tile roof. The buildings are positioned so that they are setback from front, side and rear boundaries which gives a sense of spaciousness in and around the plots. There is an element of cohesiveness in the layout and design of the dwellings in the estate with similar designs, materials and layout which is part of the local character, distinctiveness and appearance of the area. The street scene is well vegetated and situated around public greenspaces, some dwellings have hedges with well planted front gardens and consistent visual gaps between dwellings which gains views from the public realm of vegetation within rear gardens.

5. The appeal property is an end terraced dwelling which overlooks a green to the front and has a narrow greenspace to the side of the property which fronts Blair Avenue. The appeal property is positioned side-on to Blair Avenue with the two storey dwelling having a single storey rear extension with half hipped crown roof with a flat roof.
6. The installation of the door onto the flat roof has in-effect created a balcony in which it is proposed to erect a close-boarded timber balustrading. I did not identify any of the dwellings in the terrace or nearby with rear balconies with this type of development being uncharacteristic of the area. The current arrangement of the door with the proposed addition of close boarded balustrading overcomplicates the quite simple design of the dwellings and interferes with their cohesiveness and architectural authenticity of the terrace. These components of the proposed scheme result in the degradation of positive characteristics which contribute to the character and appearance of the street scene. The resultant balcony with close boarded balustrading would be very prominent in the street scene giving a discordant appearance within the surrounding context.
7. I acknowledge comments regarding the balcony being solely for maintenance purposes and would only be used as such; and that it is difficult to access the balcony because of a step making its use less desirable. Be that as it may, the erection of balustrading and the retention of the access door for only maintenance purposes would difficult to enforce and would not be a long term solution given that future owners of the property may seek to have greater use of the balcony compared to the current occupier. Furthermore, I am also not convinced that the door and resultant balcony is necessary for the maintenance of the roof and/or the clearance of guttering. There are other ways of ensuring the maintenance of flat roofed structures without the need to erect a doorway and provide balustrading.
8. I note commentary with regards to an example of a Juliet balcony to a roof dormer at No.4 Blair Avenue, however Juliet balconies are materially different to a projecting balcony given that the balcony projects past the rear façade to a greater extent than a Juliet Balcony which has a different effect in terms of its visual appearance. As such the comparison is not analogous to the considerations under this appeal and I therefore afford this example limited weight.
9. Given the above-mentioned factors, I conclude that the proposal would significantly harm the character and appearance of the locality. Consequently, the scheme would be contrary to Policy CS17 of the Elmbridge Core Strategy 2011 (CS) (which amongst others, seeks that development is high quality whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape); and Policy DM2 of the Elmbridge Development Management Plan 2015 (DMP) (which set a number of design criterion to achieve high quality design that preserves or enhances the character of the area), which is supported by the Design and Character Supplementary Planning Document (SPD).

Living conditions

10. The balcony is to the rear of the first floor with the main consideration whether there is any loss of privacy or overlooking concerns to No.14 which adjoins the site as well as No.16 which adjoins the rear boundary of the site. It is noted

that paragraph 1.18 of the SPD states that '*the use of a flat roof of an extension as a balcony or the creation of any other raised terrace will not usually be acceptable unless well screened or within substantial plots where overlooking would not occur.*'

11. The plots of the gardens are relatively narrow and small and similarly shaped and proportioned. No.14 has an open timber pergola which runs for much of the length of the garden; and No.16 is also close enough to gain unrestricted views of the garden given the height of the screening of the balcony on the appeal site is 1.3 metres. I am not convinced by comments that a balcony would provide similar overlooking opportunities to a rear window as there is a clear difference in the perception of overlooking and loss of privacy from persons sitting or standing on a balcony for long periods as opposed to any overlooking caused from a rear window which would go largely unnoticed. Given the close-knit suburban environment, these changes to the perception of overlooking and privacy as a result of this development carry a significant impact to the living conditions of surrounding occupiers.
12. In conclusion on this matter, the scheme would cause significant harm to the living conditions of surrounding occupiers, particularly towards No's 12 and 16 Blair Avenue as a result of overlooking and loss of privacy. Consequently, the scheme would be contrary to Policy CS17 of the CS (which amongst others, seeks that development protects the amenities of those within the area); and Policy DM2 Criterion e. of the DMP (which seeks to protect the amenity of adjoining and potential occupiers), which is supported by the Design and Character Supplementary Planning Document (SPD).

Conclusion

13. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and result in an unacceptable degree of overlooking and lack of privacy to surrounding occupiers, being contrary to the development plan in this regard. The appeal is therefore dismissed.

J Somers

INSPECTOR