
Appeal Decision

Site visit made on 3 August 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2020

Appeal Ref: APP/A2470/D/20/3253517

9 Main Street, Barrow, Oakham LE15 7PE

- 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 Kevin Williams against the decision of Rutland County Council.
 - The application Ref 2020/0342/FUL, dated 10 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is installation of glazed privacy panels on east and south elevations and modifications to allow occasional recreational use of existing flat roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for "installation of glazed privacy panels on East and South elevations, on West elevation increase height of parapet wall by 500mm with clear glass panels. Modifications in order to allow occasional recreational use of existing flat roof on single storey rear extension." I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 8 Main Street, with respect to privacy.

Reasons

4. The appeal proposal concerns a flat roof to the rear of a semi-detached dwelling situated in an area of countryside, east of the village of Barrow. There is only one neighbouring property, that of 8 Main Street, to the east. The flat roof element of a single storey extension to the rear of the appeal property was approved by the Council in 2019¹. This was part of considerable renovations undertaken at the appeal property in recent times.

¹ Planning Reference: 2019/1134/FUL (which was an amendment to 2018/0103/FUL to include a flat roof rather than pitched roof).

5. The appellant subsequently appealed² against a planning condition imposed on that permission which restricted, amongst other things, the use of the flat roof as a balcony or sitting out area; and the addition of any balustrade, railing, wall or other means of enclosure to the roof. At the time the appellant wanted to use the flat roof for plants and a green roof, but the appeal was dismissed.
6. The proposed development would include opaque glass panels to a maximum height of 1.8 metres along the boundary with No 8 and a partial return along the rear façade of the roof. Despite this, it would still be possible to overlook the rear garden of No 8, beyond what is currently possible from the Juliet balcony serving the first floor living room, particularly from the southwest corner of the balcony. If the flat roof were to be used as a balcony for sitting out and so on, it would result in unacceptable overlooking of the garden of No 8, which would reduce the privacy that occupiers of that property currently enjoy. I have therefore arrived at the same conclusion as the Inspector for the abovementioned appeal, that the proposal would be harmful to the living conditions of the occupiers of No 8.
7. I note that the neighbouring property has approval for a two-storey extension with a Juliet balcony and bifold doors, which I observed to be under construction. I have not been presented with any detail with respect to the planning conditions that were imposed on that development, including whether the occupiers were restricted in their use of that room. Nevertheless, the outlook from the Juliet balcony of No 8, over the garden of No 9, would not be comparable with that which would be experienced from the roof of the appeal property. Moreover, even with the proposed obscure glazed panels, the proposal would incorporate a more significant uninterrupted view from the rear.
8. In light of the above, I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 8 Main Street. Hence, the proposal would be in conflict with Policy CS19 of the Rutland Local Development Framework Core Strategy Development Plan Document (Adopted July 2011) and Policy SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (Adopted October 2014). Together these policies seek, amongst other things, to ensure that development protects the living conditions of neighbouring occupiers in terms of overlooking and loss of privacy.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

² Appeal Reference: APP/A2470/W/19/3243021.