The Planning Inspectorate

Appeal Decisions

Site visit made on 03 October 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal A Ref: APP/P2114/W/20/3250125
23 Newcomen Road, Sandown PO36 8NZ

- 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 K Lillywhite against the decision of Isle of Wight Council.
- The application Ref 19/01417/HOU, dated 13 November 2019, was refused by notice dated 09 January 2020.
- The development proposed is a rear balcony.

Appeal B Ref: APP/P2114/W/20/3250130
23 Newcomen Road, Sandown PO36 8NZ

- 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 K Lillywhite against the decision of Isle of Wight Council.
- The application Ref 20/00229/HOU, dated 06 February 2020, was refused by notice dated 03 March 2020.
- The development proposed is retention and completion of rear balcony (revised scheme).

Decisions

Appeal A Ref: APP/P2114/W/20/3250125

1. The appeal is dismissed.

Appeal B Ref: APP/P2114/W/20/3250130

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of occupiers of neighbouring dwellings and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. 23 Newcomen Road is a three-storey end of terrace dwelling, divided into a ground-floor and upper floors apartments. The proposed balcony is 2.8 metres by 2.25 metres in area, located at first-floor level utilising the flat roof area of a previously approved ground floor extension to the rear of 23 Newcomen Road. The balcony is constructed and is bounded to the north (side) by the wall of an existing three storey extension, to the south (side) by a 1.7 metre high glazed

balustrade and to the east (rear) by a 1.4 metre high glazed balustrade. The balcony is accessed through doors in the living area of the first-floor flat.

5. The first-floor flat benefits from glazed doors in the rear elevation facing out onto the gardens and has an extant planning permission for a Juliet balcony. Other dwellings along Newcomen Road and Brownlow Road, which runs parallel to the rear, have rear facing first-floor and second-floor windows. Thus, there is a certain degree of overlooking which is conversant with the residential character and density of the area.

6. However, the view from the proposed balcony is panoramic, rather than the constrained view to be gained from within a building through a window or door or from a Juliet balcony. Views north are somewhat constrained by the wall of the existing three storey extension, although a panoramic view is still gained when standing closer to the edge of the balcony. This view is certainly increased in contrast to the limited outlook in this direction within the flat through the doors. Views south into the garden of the immediately neighbouring property as well as gardens further afield are easily gained from the balcony. The neighbouring dwelling to the south does have a moderately sized outbuilding in the rear garden, a short distance from the house which somewhat shields views of the garden immediately to its rear. It is nonetheless possible to view the entire lawn area of the property and the area of garden closest to the house.

7. The gardens for the dwellings adjacent to the appeal site are off-set and as such the windows of the utility room and bathroom of the appeal site open out onto the garden of the neighbouring dwelling 21 Newcomen Road. However, these rooms are unlikely to be occupied for extended periods given their size and function.

8. The size of the balcony is sufficient for outdoor seating and it is noted that the first floor flat has no direct access to the garden from the rear (it is accessed via the front door and sloping side path). This arrangement would no doubt encourage the use of the balcony as functional outdoor amenity space for prolonged periods.

9. Appeal A seeks to retain the 1.7 metres high glazed balustrade to the side and 1.4 metres high balustrade to the rear. Neither glazed balustrade effectively prevents views into neighbouring gardens. The gaps between the glazed sections, frame and panels allow observation of neighbouring gardens. Due to this arrangement, I was able to gain views south into the area of the garden closest to 25 Newcomen Road whilst standing close to the balustrade and further back towards the centre of the balcony. This is despite my average height, the 1.7 metres high balustrade and the presence of the outbuilding. The 1.4 metres high balustrade would allow wide views to be gained by seated and standing occupants. As such, the Appeal A balcony significantly increases opportunities for overlooking and perceived overlooking due to its prominence.

10. Appeal B seeks to construct a timber frame with louvred panels sited behind the glazed balustrade and insert a timber plinth to raise the panels further. These panels would result in a reduction of light and significant loss of outlook from within the flat, making it more likely occupants would stand on the balcony to gain outlook and relief from the new sense of enclosure. The views to be gained may be more horizontal and wider, though increased standing

observation is likely. For these reasons, the potential for actual overlooking beyond that usual in such residential arrangements remains. The design of the proposal would retain the appearance of a large balcony and thus perceived overlooking would be unmitigated. As such, the Appeal B proposal would provide opportunities for actual overlooking and increased perceived of overlooking due to its prominence.

11. For these reasons, the proposed balconies for both Appeal A and Appeal B would have an adverse effect on the living conditions of neighbouring occupiers, contrary to policy DM2 of the Isle of Wight Core Strategy Island Plan, adopted in 2012 (CS). Policy DM2 seeks, amongst other things, neighbourly and high-quality design which protects, conserves and enhances the existing environment whilst allowing for change.

Character of the area

12. The parties are in agreement that the appearance of the Appeal A proposal would not have a significantly different appearance that the approved Juliet balcony. Due to the similarity of materials and relatively low height of the rear-facing balustrade, I concur with this view.

13. The Appeal B timber frame and louvred screen would have the same width as the Appeal A balustrade, however, its increased height and solid construction and would lend it a massive and prominent appearance. There are several flat-roof rear extensions along the terrace, which are massive and blockish. The screen would be sited adjacent to these and would exacerbate this poor design in views from Brownlow Road. Further, the height, materials and design of the screens would be prominent and incongruous in appearance.

14. For these reasons, the proposed balcony for Appeal B would have an adverse effect on the character and appearance of the area.

Conclusion

15. For the reasons stated above, I find that the proposals for Appeal A and Appeal B would have an adverse effect on the living conditions of neighbouring occupiers. Appeal B would also have an adverse effect on the character and appearance of the area. The proposals are contrary to the policies of the Development Plan, as well as the guidance in the Framework. I conclude that the appeals should be dismissed.

Kim Langford Tejrar

INSPECTOR