



Appeal Decision

Site visit made on 3 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/B3438/D/20/3258918 33 Meadow Close, Leek, ST13 5TX

- 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 John Baughan against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2020/0236, dated 6 May 2020, was refused by notice dated 1 July 2020.
 - The development proposed is described as *"the erection of a steel frame balcony on the 1st floor level to the rear of the property. The width of the balcony has been reduced by 1.2 meters from the previous application as indicated on drawing 02A"*.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a steel frame balcony on the 1st floor level to the rear of the property at 33 Meadow Close, Leek, ST13 5TX in accordance with the terms of the application, Ref SMD/2020/0236, dated 6 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 063-02-A.
 - 3) Within 3 months of the date of this decision, details of a privacy screen to be installed along the eastern side of the balcony, and a timetable for its installation, shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details and timetable and shall thereafter be retained.

Procedural Matters

2. The Council adopted a new Local Plan in September 2020, after its refusal of planning permission. The new Local Plan has superseded the policies within the Staffordshire Moorlands Core Strategy (2014). In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision.
3. The description of development given in my formal Decision, above, omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposed balcony has been reduced in width compared to a previous submission, and as such it does not describe acts of development.

4. The submitted drawings show a significantly smaller balcony than the one that was in place at the time of my site visit. In these circumstances, I have determined the appeal based on the scheme shown on the submitted plans.

Main Issue

5. The main issue is the effect of the development on the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.

Reasons

6. The appeal property is a modern detached dwelling on the northern side of Meadow Close. The building line is staggered in this location and follows the curve of the road.
7. No 31 Meadow Close is set behind the appeal property, and its side elevation extends significantly along the shared boundary to the rear. This arrangement would act to significantly restrict overlooking from the proposed balcony across the rear garden to No 31. Whilst some oblique views from the balcony would still be available across a corner of the garden area, these would be partly restricted by the presence of sheds along the boundary. Such views would not be unduly intrusive in my view. I further note that the occupiers of No 31 have confirmed that they do not object to the proposal, which is partly retrospective in nature.
8. Two small, non-principal windows are located in the side elevation of No 31, and face towards the balcony at both ground and first floor level. In this regard, the ground floor window is particularly close and there is intervisibility between it and the balcony. However, as this is a small non-principle window only, which does not serve a habitable room, that is not a significant concern in this case.
9. The proposed balcony would be set in from the boundary with No 35, and a privacy screen is proposed to its eastern side. In addition to the staggered building line, this screen would prevent any significant overlooking along the row. Whilst residents in the gardens to the east would be aware of the presence of people on the balcony, given the set in from the boundary, I do not consider that this would result in any significant level of intrusion, or perception of overlooking.
10. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. It would therefore accord with Policy DC 1 of the Staffordshire Moorlands Local Plan (2020), which seeks to ensure that new development does not harm residential amenity. It would also accord with the National Planning Policy Framework, which requires a high standard of amenity for existing and future users.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A further condition relating to the privacy screen is necessary in order to protect the privacy of neighbouring occupiers.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR