



Appeal Decision

Site visit made on 8 December 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/Q4625/D/20/3258827

25 Mirfield Road, Solihull B91 1JH

- 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 Masood against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01385/MINFHO, dated 27 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is described as "Retrospective application to erect a first floor balcony to an existing single storey extension and the installation of opaque privacy screens".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. At the site visit I saw that the first floor balcony had been constructed, but the proposed opaque privacy screens were not in place. The appeal proposal is therefore partly retrospective and I have assessed it on that basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with respect to privacy, and noise and disturbance.

Reasons for the Recommendation

5. 25 Mirfield Road (No 25) is a detached two-storey dwelling with a large garden located in a row of detached dwellings in a residential area. The appeal proposal relates to an approximately 1.4 metre deep first floor balcony which extends from the master bedroom. The proposal also includes 1.8 metre high opaque privacy screens for both sides of the balcony.
6. According to figures provided by the appellant, which the Council has not questioned, the balcony is set approximately 4.5 metres from the boundary with 27 Mirfield Road (No 27) and approximately 1.7 metres from the boundary with 23 Mirfield Road (No 23). No 25 is set further back into the garden than Nos 23 and 27. In this context, the proposed privacy screens would block any

overlooking towards the patios, rear windows, and a proportion of the large gardens of Nos 23 and 27. Whilst the privacy screens would be narrow, it is unlikely that users of the balcony would seek to peer around them. As such, the privacy of the occupiers of both Nos 23 and 27 would be preserved.

7. The separation distance between the balcony and the patio and the garden area of No 27 is sufficient such that the development would not cause harm to the living conditions of the occupiers of No 27, in relation to noise and disturbance. However, the balcony is situated close to the boundary with No 23, and is in an elevated position. Although the balcony is short, it is quite wide, and a number of people could potentially congregate there and sit out on the balcony for prolonged periods of time. This would harm the living conditions of the users of the patio at No 23 by reason of noise and disturbance. Although the proposed privacy screens would muffle noise somewhat, this would be unlikely to provide adequate mitigation.
8. Little evidence has been provided to substantiate the contention that the balcony would not be used frequently and not by more people than might occupy No 25's master bedroom. As such, very limited weight has been given to these matters and they do not outweigh the harm identified. The appellant has referred to several balconies approved by the Council, but as no plans have been provided a meaningful comparison cannot be made. The proposal would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this has been given limited weight.
9. I therefore conclude that the proposal would harm the living conditions of the occupiers of No 23, with respect to noise and disturbance, contrary to Policy P14 of the Solihull Local Plan 2013 (SLP), the House Extension Guidelines Supplementary Planning Document 2010, and paragraph 127 of the National Planning Policy Framework. Collectively, these documents seek to ensure that the amenity of occupiers of neighbouring dwellings is of a good quality. Although SLP Policy P15 has been referred to by the appellant, this policy relates to design quality and is not directly relevant here.

Other Matters

10. As I am recommending that the appeal is dismissed for other reasons, I have not addressed local residents' objections in detail.

Conclusion and Recommendation

11. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Joanna Gilbert

INSPECTOR