



Appeal Decision

Site visit made on 19 January 2021

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/P4415/D/20/3264514

14 Stanley Grove, Aston, Sheffield, S Yorks S26 2DN

- 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 Richard Bradshaw against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1073, dated 30 June 2020, was refused by notice dated 17 September 2020.
 - The development proposed is a veranda/balcony to the rear of 14 Stanley Grove.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My site visit confirmed that the balcony has already been constructed, and a rattan screen installed on the side facing 12 Stanley Grove. Therefore, I have considered the appeal as having been made on a retrospective basis.

Main Issue

3. The appeal site is located within the Green Belt. However, the Council in its consideration of the application determined that the proposal would not result in disproportionate additions over and above the size of the original building, and so concluded that the proposal would not amount to inappropriate development in the Green Belt, having regard to the exceptions set out at Paragraph 145 of the National Planning Policy Framework (The Framework). On the evidence before me, I have no reasons to find otherwise. As the proposal would not amount to inappropriate development in the Green Belt, there is no requirement for me to assess the effect of the proposal on the openness of the Green Belt, nor to consider if there are other considerations that amount to very special circumstances necessary to justify the development in this case.
4. Therefore, based on the Council's reason for refusal, the **main issue** is the effect of the proposal on the living conditions of neighbouring occupants.

Reasons

5. The balcony stands at rear first floor level, accessed by patio doors. It comprises a timber floor supported by steel beams to either side, which in turn sit on block pillars on a stone wall to one side, and a stone archway to the other. The structure is open underneath. The balcony is enclosed by horizontal timber boards, and a rattan-type screen has been erected on the side of the balcony facing the adjoining property, No 12.

6. The guidance of the Householder Design Guide (June 2020) (HDG) states that balconies should be sited so that they do not directly look into the habitable windows of adjacent houses or their private gardens, adding that they are usually unacceptable on semi-detached properties, and where proposed they must be a minimum of 2 metres from any neighbouring boundary with appropriate screening to avoid any overlooking. I saw the garden boundary between the properties to be screened by thick, evergreen hedges, preventing views. However, the balcony stands above the height of the hedges and its position immediately adjacent to the common boundary with No 12 means views are possible from the balcony directly down into the neighbouring garden, in conflict with the guidance of the HDG.
7. Even with the rattan screen in place, it is possible to view around the screen and into the adjacent window at first floor level, and to the ground floor windows below and the garden area immediately adjacent to the dwelling, which would otherwise not be subject to views from the appeal dwelling and would remain private. The screen itself is not wholly solid and neighbours would be able to discern the presence of people on the balcony, and a solid screen would not prevent someone from leaning out and viewing around it. Therefore, the balcony allows for invasive overlooking of the neighbouring property which significantly erodes the privacy of neighbouring occupants. Given these concerns, I am not satisfied that a condition requiring the retention of a rattan or solid screen would overcome the harm identified. Moreover, the size and position of the balcony is such that it can be utilised by several people at once for recreational gatherings, which may result in noise and disturbance to neighbouring occupants, particularly if used later into the evening.
8. I understand that the balcony has been in place for some time, apparently without complaint from the neighbour at No 12, and no objection has been received to the application. However, if granted permission, the balcony could be retained permanently, and I am mindful that its use would also affect future occupants of No 12, who may perceive it differently to the present neighbour.
9. I also note the appellant's desire to maximise views of the countryside from his dwelling. The desire to embrace a view is understandable, but it is not a right enshrined in the planning system. I saw the garden already affords generous views of the surrounding countryside and ample space for private recreation, and I do not agree with the appellant that the balcony is a necessary adaptation to meet these needs. The addition of a further, raised viewing platform would amount to a personal benefit for the appellant to which I afford negligible weight. Arguments that the balcony would increase property values or would increase the Council Tax payable also carry little weight, not least because there is no guarantee of either occurring.
10. The appellant also refers to other extensions nearby, but those I could see were single storey additions which do not include raised balconies or terraces, and are not comparable to the present scheme. In any event, the assessment of the effect on neighbours' living conditions is inevitably a site specific one, and therefore I have determined this appeal on its own merits.
11. The appellant also refers to the possibility of building an extension under permitted development which would not cause overlooking, but would have a greater impact on overshadowing of the neighbour. I have no evidence before me to suggest such development is likely to occur should the appeal be

dismissed, nor any plans which would allow a meaningful assessment of any potential alternative effect on the neighbouring property. Accordingly, I am not persuaded that a more harmful scheme is likely to be undertaken in the alternative, and I ascribe this little weight.

12. For the reasons set out, and having had regard to all of the evidence before me, I conclude that the balcony causes significant harm to the living conditions of neighbouring occupants. Consequently, there is conflict with Policy SP55 of the Rotherham Local Plan Sites and Policies document (June 2018) which requires high quality development which, amongst other things, has regard to the presence of sensitive land uses and is designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected. There is also conflict with the HDG and the guidance of the Framework which seeks a high standard of amenity in developments for all existing and future users.
13. The appellant argues that the Council's policies are out-of-date due to the Core Strategy having been adopted more than 5 years prior to the latest version of the Framework. However, Paragraph 213 of the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. In this case, I find that the relevant policy LP55, which in any event is only adopted since June 2018, is consistent with the Framework for the reasons set out above, and I give it significant weight in my decision.

Conclusion

14. For the reasons set out, the proposal would conflict with the development plan to which I afford significant weight and there are no material considerations before me which indicate planning permission should be granted despite this conflict. Therefore, the appeal is dismissed.

K Savage

INSPECTOR