



Appeal Decision

Site visit made on 10 August 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/X1545/D/20/3264519

16 Darnet Road, Tollesbury, Maldon CM9 8XG

- 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 Matthew Baker against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/00729, dated 19 July 2020, was refused by notice dated 30 September 2020.
 - The proposed development is for single storey extension to the rear with extended balcony/terrace at first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a modern two storey gabled house with rooms in the roof within a residential street a short distance from the centre of the village of Tollesbury. The row of four dwellings was approved around 2012¹ and consists of ground and first floor living accommodation with two other bedrooms and en suite located on the second floor. The first floor accommodation already comprises of a Juliet balcony to the first floor living room and small terrace accessed from bedroom two. To the second floor a large, floor to ceiling glazed gable gives expansive views out to the rear of the property towards the countryside and the surrounding tidal marshes and nearby marina.
4. The four properties are constructed along the same building line to the front and rear and as such all the houses abide by very nearly the same alignment. To the rear relatively extensive gardens reveal an open aspect. Two of the neighbours have a first floor steel balcony that is open beneath and protrudes beyond the rear building line with clear glazed balustrades to their front and side elevations, presumably to maximise the visibility of this aspect.

¹ Planning reference number 12/00647/FUL for 1no five bed and 3no. four bed dwellings, two storey, pitched roof with accommodation in roof space.

5. The proposal before me intends to create a similar balcony or terrace over a single storey rear extension with the exception that it would run nearly the full width of the existing house. The proposed terrace would give direct access from the rear first floor living room and bedroom.
6. The proposal would extend by slightly over 3 metres from the rear of the property and glass balustrades would form a safety rail around its perimeter. The terrace would also have direct access from the garden through steps that would be located adjacent to number 14 Darnet Road and the balustrade to these steps would be clad in timber cladding.
7. In assessing this appeal I firstly recognise the orientation of this row of houses who's rear elevations face in a north easterly direction. Secondly I notice the distance between the proposed extension and the side wall of the neighbouring properties that is around 2.4m on the south side, adjacent number 14, and around 2.1m to the north side, adjacent number 18.
8. Although I don't consider the single storey extension in itself to have an impact upon the living conditions of neighbours, the proximity of the proposed balcony to the northern boundary would, i consider, result in a significant loss of amenity for the adjoining residents at number 18 through the potential for direct overlooking.
9. Although I recognise that adjoining neighbours have a similar, albeit less extensive, balcony to the rear of their properties, I consider that the main difference in this case is due to the proximity of this balcony to the boundary together with the extent to which it protrudes from the rear of the appeal property.
10. I consider therefore that harm would occur through the ability of people using the balcony to be able to look directly into the adjoining gardens to a greater degree to what they can now through the existing windows of the property. Moreover, I consider that it would be possible for a degree of overlooking to occur directly into the rear rooms of 18 Darnet Road due to the 3 metre protrusion of the terrace from the rear of the property.
11. In assessing the condition suggested by the Council for screening to this balcony and those changes suggested in the Appellant's revised plans, I do consider that increasing the effective height of the balustrade up to 1.8 metres would result in relieving this issue of overlooking. However, in doing so the proposed extension would extend upwards to something like a two storey rear extension and I consider that the resultant scale, dominance and associated overshadowing of such a structure would have the effect of further harming the living conditions of neighbours at number 18.
12. Whilst I consider that a single storey extension, and associated terrace could in principle be designed so as to relieve this impact upon neighbours, the case before me, due primarily both to the proximity of the proposed extension to the northern boundary and its potential height following screening solutions, would result in harm to the living conditions of neighbours to a sufficient degree to dismiss this appeal.

13. In light of this I consider that the proposal is contrary to Policy D1 of the Maldon District Local Development Plan as well as the aspirations for sustainable development within the National Planning Policy Framework.

Conclusion

14. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR