



Appeal Decision

Site Visit made on 3 August 2021 by G Sibley MPLAN MRTPI

Decision by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/F2415/D/21/3275602

11 Edgehill Close, Great Glen, Leicester LE8 9FY

- 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 David Newton Sealey against the decision of Harborough District Council.
 - The application Ref 21/00289/FUL, dated 3 January 2021, was refused by notice dated 14 April 2021.
 - The development proposed is installation of steel balcony serving bedroom (3) – complete with glass balustrade and window removal – substitution with pair inward opening doors (glazed) and sidelights. Balcony cantilever pattern, via pair 80mm SHS uprights.
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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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.
4. The balcony has already been constructed and as such the application and appeal were made retrospectively. Nevertheless, the proposal includes the addition of two obscure glazed panels either side of the balcony. As such, I have assessed the development as proposed, rather than on the basis of what has already been built.

Main Issue

5. The effect of the proposed development upon the living conditions of the neighbouring occupiers of No 10 and 12 Edgehill Close and No 17 Ruperts Way, with specific regard to overlooking.

Reasons for the Recommendation

6. No 11 is a semi-detached dwelling connected to No 12. No 10 is located to the south of the site and there is a narrow gap between the two dwellings. Given the pattern of development locally, the rear garden for No 17 is perpendicular to the rear of No 11 albeit the garden is set slightly to the south.
7. French doors have been inserted into the first floor of the building and the balcony is accessed via these doors. The doors were inserted using the dwelling's permitted development rights and could be retained regardless of the outcome of the appeal. The view from inside of the dwelling does allow some overlooking of No 17's rear garden as well as the end of the rear gardens for No 10 and 12. This level of overlooking would not be unusual within densely developed areas like this.
8. The balcony, as it has been built, allows for a complete view of the neighbouring gardens, as well as those further afield. Furthermore, surrounding occupiers using their gardens would be able to see someone on the balcony. This would result in a much greater perception of overlooking compared to someone looking out of a bedroom window. Additionally, the balcony would be an attractive space for at least one person to sit outside. It is therefore likely that it would be used more often and give rise to more frequent overlooking than the existing rear bedroom window. There would, therefore, be an increased level and regularity of overlooking which would result in neighbouring gardens being less enjoyable and private places for the existing and future occupants.
9. Whilst the proposed obscure glazed panels would limit views of the neighbouring gardens either side, they would not block views of the garden to the rear. The privacy of the occupants to the rear cannot be guaranteed, in perpetuity, by the tree between the two gardens. Moreover, the visibility of someone on the balcony would give rise to the perception of overlooking. The proposal would, therefore, fail to minimise the impact of the development upon the amenity of the existing and future residents of this dwelling.
10. Therefore, the proposed development would result in a loss of privacy enjoyed by the neighbouring occupiers and would harm their living conditions. Consequently, the proposal would be contrary to Policy GD8 of the Harborough Local Plan 2011 to 2031 (adopted 2019) and Policy GG6 of the Great Glen Neighbourhood Plan 2011 – 2031 (made 2017). These policies seek to ensure that development proposals are designed to minimise impact on the amenity of existing and future residents. The proposal would also conflict with the advice at section 12 of the Framework, which aims to achieve well-designed places with a high standard of amenity for existing and future users.

Other Matters

11. Whilst I have taken into consideration the letters of support from a number of neighbouring occupiers, it is essential to assess the proposal for the lifetime of the development, including the impact on the privacy of future occupiers of those dwellings.
12. Additionally, I note that the use of the balcony allows the appellant to obtain a distant view of particular personal importance. However, the balcony would be a permanent fixture, which would be available to subsequent occupants. The

harm to the living conditions of the existing and future occupiers of neighbouring properties is not, therefore, outweighed by the personal benefits to the current occupants of the dwelling.

Conclusion and Recommendation

13. There are no material considerations that indicate that the development should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Nick Davies

INSPECTOR