



Appeal Decision

Site Visit made on 2 November 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021.

Appeal Ref: APP/L2630/D/21/3276865

34 the Common, Swardeston, Norwich, NR14 8EB

- 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 R Broomfield against the decision of South Norfolk District Council.
 - The application Ref 2021/0865, dated 16 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is a balcony balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for a balcony balustrade at 34 the Common, Swardeston, Norwich, NR14 8EB in accordance with the terms of the application, Ref 2021/0865, dated 16 April 2021, subject to the following condition:

The development hereby permitted is that shown on plan 'description: NR14 8EB'.

Preliminary Matter

2. The application form identified that the work had been completed prior to the point at which the application was made. Therefore, the plans submitted with the application are intended to be a representation of what is already there. There is nothing before me to indicate that there is any discrepancy between the plans and the development, as built, and I have proceeded on the basis that they are an accurate representation. In other words, planning permission is sought for the development as it exists on the ground.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjoining occupiers having regard to overlooking.

Reasons

4. The appeal site is a two storey detached dwelling finished with a rendered finish to the external walls. To the front of the property is an integral flat-roofed garage. The metal and glass balustrade has been erected around the edge of the flat roof of the garage at first floor level.
5. The appeal site has a wide plot and there is a significant separation distance between No.34 and the adjacent property known as Bramley Oak. The fence along the boundary between No.34 and Bramley Oak rises to around 2.5 metres high for a short distance between the side of Bramley Oak where it

borders its rear garden area. The height of the fence provides significant screening from the balcony balustrade and anyone likely to be using it. Although views between the balcony balustrade and Bramley Oak are currently restricted by the presence of a static caravan on site, even without the caravan present, I consider any potential for overlooking would be minimal.

6. The siting of the balcony and balustrade above the integral garage of No.34 is such that any visibility into the rear garden of Bramley Oak would mostly be at an oblique angle. There is a significant separation distance between the development and Bramley Oak, which, combined with the presence of screening from the boundary fence limits any overlooking. I consider that the limited overlooking that might be possible would be at a level that would not be harmful to the living conditions of the occupiers.
7. In light of the above, I conclude that the development would not harm the living conditions of adjoining occupiers having regard to overlooking. As such, it would comply with policies DM3.4 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document (2015) which state respectively that extensions and conversions will be permitted where they do not have an unacceptable impact on the amenities of neighbouring occupiers, and development should ensure a reasonable standard of amenity reflecting the character of the local area avoiding overlooking.

Conditions

8. As the development has been carried out, no standard time limit has been imposed. However, a condition is required to specify that the development permitted is as per the submitted plan.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

Philip Mileham

INSPECTOR