



Appeal Decision

Site visit made on 8 December 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2021

Appeal Ref: APP/P1425/D/21/3283786
9 Carlton Road, Seaford, BN25 2LE

- 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 & Mrs Tony Hamilton against the decision of Lewes District Council.
 - The application Ref LW/21/0357, dated 11 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is a balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The balcony has largely been completed; that does not alter the way in which I assess the merits of this case.
3. The Appellants were not at home at the time I was in the Seaford area. My site visit was undertaken from a neighbour's garden and, along with Appellants' helpful photographs and the appeal papers generally as well as my experience, affords me sufficient ability to gauge matters in detail.

Main Issue

4. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

5. The locality is one of well-established residential character with good quality detached or semi-detached homes prevailing. The proposal is effectively to use a flat roof to the rear of the semi-detached appeal property as a balcony area. As I indicate above, the balcony is in situ, a balustrade has been erected. However, the appeal proposal would see this modified by the addition of opaque glazed side screen towards the semi-detached side (No 7) along with a 600mm return to the front corner.
 6. The position, elevation and projection of the balcony, the relationship to the proximate neighbouring gardens, and the ability to stand near the edge all come together in my opinion to give rise to unreasonable scope for inordinate overlooking and loss of privacy. There will always be some inter-visibility in a
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suburban style setting such as this locality, for example from first floor windows, but the degree of overlooking would go beyond any reasonable and expected norm. In my opinion it would be an uncomfortable situation, to say the least, for those using the garden of adjacent No7, and to a degree at the close-by No 11.

7. The planned erection of a side screen with a small return on the No 7 side would limit the scope to 'look back' into the semi-detached upper window and sideways across the property but would not sufficiently negate overlooking generally. Furthermore, the screen itself, even with the materials planned, would cut outlook from the nearest upper-level room to an extent which would feel like being unduly hemmed-in for anyone in that room. All told, the side screen would not satisfactorily mitigate the existence of this inappropriate balcony use of a flat roof.
8. I would add that the balcony has dimensions of around 2.9m depth by some 6.8m width. By any measure this is a generous sized structure and might be seen more as an external room rather than a traditional balcony which would usually be more modest and 'tucked-in' to an existing dwelling. It may be that this scale would encourage greater use and larger gatherings giving rise to increased overlooking incidents. The scale would also mean that the proposed side screen would be a sizeable impingement to the nearest neighbouring first floor window underling the loss of outlook point which I touch on above. The balcony project is simply too ambitious for its context.
9. In terms of relevant planning policies, the Lewes District Local Plan 2020 - Part Two embodies policy DM25 and the Seaford Neighbourhood Plan is also pertinent in terms Policy SEA2. These policies, taken together and amongst other matters, seek to safeguard residential amenity including privacy and outlook and generally protect the quality of personal space. I conclude that the appeal proposal would run contrary to these policies.

Other matters

10. I do understand the Appellants' wish to retain this balcony and I would agree that there is not an issue over its *appearance* as an adjunct to the dwelling and that additional outside space may have some health benefits in 'the age of Covid'. I recognise that existing neighbours have not objected to the scheme but I have to look to protection of a dwelling's amenity for the long term. I appreciate the Appellants' willingness to modify the scheme; however, I need to consider the proposal determined by the Council. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR