
Appeal Decision

Site visit made on 21 January 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/W3005/D/21/3288131
6 Stoney Lane, Selston NG16 6ET

- 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 Paul Barron against the decision of Ashfield District Council.
 - The application Ref V/2021/0546, dated 8 July 2021, was refused by notice dated 9 September 2021.
 - The development proposed is the erection of a 2-storey rear extension with replacement balcony.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-storey rear extension with replacement balcony at 6 Stoney Lane, Selston NG16 6ET in accordance with the terms of the application Ref V/2021/0546, dated 8 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs SI21/1033/1 and SI21/1033/2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matter

2. At the site visit, I viewed the appeal property from the rear of 8 Stoney Lane with the consent of the occupier of this property and did so unaccompanied.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 4 and 8 Stoney Lane with regard to privacy.

Reasons

4. The appeal property is a 2-storey detached house that has a first-floor rear balcony at one corner. From what I saw, this balcony allows reasonably open views across a large part of the back gardens of nearby properties especially those on either side of the site, which are 4 and 8 Stoney Lane.
5. The proposal is to introduce a 2-storey rear extension with a replacement balcony. The new balcony would be similar in size and position to its existing

counterpart albeit enclosed by a low-level brick wall and topped with railings. Like the existing balcony, the proposal would provide a platform on which a small number of people could gather to sit or stand outside.

6. The Officer's report notes that it is not clear whether the existing balcony is authorised because the site has no planning history. However, the appellant states that the balcony has been in place for some time and has provided some evidence to support that view. Reference is also made to the Council's decision to grant planning permission for a development with the existing balcony left in situ. While few details of the approved scheme have been provided, it seems likely that the existing balcony would be retained if this appeal were to be dismissed or if the approved scheme were to come forward. In those circumstances, I find that the existing balcony and the views available from it provide a realistic fallback position against which to assess the proposal.
7. Having seen the existing balcony of No 6 from the rear of No 8, I can appreciate that the extent of overlooking, and the perception of being overlooked, are both considerable. That is because the existing balcony is clearly in view from the back garden of this adjacent house and I have little doubt that is also the case with No 4, which is on the opposite side of the site to No 8. That the appeal dwelling occupies an elevated position relative to the back gardens of both of these neighbouring properties due to the notable difference in ground levels reinforces that impression.
8. The increased rearward projection of the new balcony would lead to a very slightly greater level of overlooking of the adjoining rear gardens of Nos 4 and 8 than would be possible from the existing balcony. However, that effect would be largely counterbalanced by the new low-level perimeter wall to enclose the balcony, as proposed, which would provide some extra screening. Taking these points together, I find the proposal would not have significant impact on the living conditions of the occupiers of these adjoining properties.
9. On the main issue, I therefore conclude that the proposed development would not materially harm the living conditions of the occupiers of Nos 4 and 8. As such, there is no conflict with Policies ST1 and HG7 of the Ashfield Local Plan Review or the Council's Supplementary Planning Document *Residential Extensions Design Guide* insofar as they aim to safeguard residential amenity. For the same reason, the proposal is not at odds with the National Planning Policy Framework, which states that planning decisions should ensure that developments, amongst other things, create places with a high standard of amenity for existing and future users.

Conditions

10. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR