



Appeal Decision

Site visit made on 1 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 1 April 2022

Appeal Ref: APP/R4408/D/21/3288328

34 Staincross Common, Staincross, Barnsley S75 6NA

- 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 Mahipal Vemula against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0713, dated 15 May 2021, was refused by notice dated 10 September 2021.
 - The development proposed is a wrap round balcony/sit outs to the existing property - to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form had an error in the title of the appellant's name and written confirmation has been provided confirming the appellant's details.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbours at 32a and 36 Staincross Common in terms of noise and privacy.

Reasons

4. The appeal site is located to the north of Staincross Common and is within a row of large semi-detached and detached properties which face agricultural land. The properties have spacious rear gardens.
5. The appeal property is a large, detached dwelling with a grassed rear garden, an annex building and a partially covered patio area. The rear elevation is three storeys high with the ground floor set lower than the garden. The first floor has a column supported central single storey extension jutting out into the garden. The rear elevation has glazed patio doors at ground floor and similar doors with Juliet balconies to the first and second storeys. The central extension also has a Juliet balcony and large side windows.
6. The proposal would consist of a first floor balcony to the rear of the house. The balcony would run along the main building and then around the central extension. The balcony sections facing the garden would project by approximately 2.5m from the main building and 2m from the central extension section. The sections to the sides of the central extension would project approximately 1m. The balcony would have 1.8m high screens to its main

building ends facing Nos 32a and 36, and 1.1m high balustrading to the remainder.

7. The existing first floor Juliet balconies and central side windows allow overlooking of the neighbouring boundaries and gardens. However, as the occupants of the appeal property are predominately contained within the building envelope and restricted by the size of the Juliet balconies and window openings, external activities with associated overlooking and noise disturbance are significantly limited.
8. In contrast the proposed balcony would allow occupants much more freedom to move outside of the building and into an elevated and open position which would undoubtedly increase external activities and usage. This would also increase overlooking of neighbours and noise disturbance. As most of the proposed balcony would face directly down the garden then direct overlooking of neighbouring properties would be discouraged and would generally be acceptable. While it is recognised that the side sections of the proposed balcony would have only a 1m depth, this would not prevent the occupants of the appeal property standing in this area. In the absence of appropriate screening, the sides of the proposed balcony adjacent to the central extension would result in a significant increase in direct overlooking of the neighbouring gardens.
9. Planning permission Ref 2021/1298 was granted for a wrap around balcony to the rear of the house on 3 December 2021. Approved drawing 20-273/01 Rev D shows the permitted balcony serving the first floor. This balcony projects 2m from the main rear wall of the appeal property and from the central extension. The central extension's side projections are 1m deep. Furthermore, there are 1.8m high glass screen/balustrade to the sides and ends directly facing Nos 32a and 36. This permission is extant and could be fully implemented. There have been no changes in planning policy since the permission was granted. I attribute considerable weight to this fallback position as I consider that it would be open to the appellant to build out this extant consent.
10. While the proposal would retain the end screening at 1.8m consistent with the permitted balcony, it would remove the permitted balcony's 1.8m high central section side screening which provides some protection to the neighbouring properties from direct overlooking. The proposal provides no alternative protection for this and as such, the result would be an increase in overlooking to Nos 32a and 36's gardens which would harm the privacy of neighbouring occupants. In this regard, the proposed development would be more harmful than the fallback position.
11. While it is acknowledged that central side screens would adversely affect the outlook from the central extension's side windows, the introduction of the balcony increases overlooking of neighbouring gardens from these areas and the screening is required to prevent this.
12. The proposal would also project approximately 0.5m further from the main building than the permitted balcony. While this would provide some additional space for its use, the increase would be quite modest. No evidence to show that this would increase usage or activity has been provided and, in my view, there would be no significant change in this. On this basis, I consider that there would not be an increase in noise disturbance from this compared to the permitted balcony

13. In conclusion, although the proposal would not cause harm to the living conditions of the neighbours at 32a and 36 Staincross Common in terms of noise, the proposal would increase the harm to them with respect to privacy. This would therefore be contrary to Barnsley Local Plan 2019 Policy GD1 and the Supplementary Planning Document House Extensions and other Domestic Alterations 2019 which aim, amongst other matters, to ensure development has no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Conclusion

14. For the reason given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR