



Appeal Decision

Site visit made on 4 April 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/G4240/D/21/3286616

9 Bowlacre Road, Hyde, SK14 5ES

- 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 Martin Knowles against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00761/FUL, dated 16 June 2021, was refused by notice dated 8 September 2021.
 - The development proposed is to erect a 1.1m high glass balustrade to the perimeter of the existing single storey flat roof to the rear of property.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development on the application form was very detailed so in the banner heading above I have used the more succinct description given on both the decision notice and the appeal form.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of Nos 7 and 11 Bowlacre Road with particular regard to privacy.

Reasons

4. The appeal property is a detached house set in a generous plot, that has a single storey flat roof rear extension that extends the full width of the house. It is proposed to erect a glass balustrade around the perimeter of this. At the first floor level the rear elevation of the house has 2 obscure glass windows that serve bathrooms and a set of patio doors with a Juliet balcony that serve a bedroom.
5. Consequently, at present, there is no access to the flat roof from the house. The appellant has stated that this would not change and that the balustrade is proposed for aesthetic and security purposes rather than to enable the use of the roof area as a balcony.
6. Nevertheless, whilst there is currently no access from the house the use of this flat roof is not controlled and I have not been made aware that there is any mechanism that would prevent the removal of the Juliet balcony in the future. Therefore, although this may not be the intention of the appellant, the appeal proposal would facilitate the use of the flat roof as a balcony.

7. Due to its height and proximity to the boundary, the use of the flat roof as a balcony would provide views of No 11 and its rear garden which are currently not possible due to the boundary hedge. Whilst the more limited height of some of the boundary treatment to No 7, means this garden is less private, the use of the balcony would still allow much greater views of this property and its garden. As a result, it would increase both the level of overlooking and the perception of being overlooked for the occupiers of both neighbouring properties.
8. Consequently, I consider that the proposed development would unacceptably harm the living conditions of the occupiers of Nos 7 and 11 Bowlacre Road with particular regard to privacy. Accordingly, it would conflict with Policy H10 of the *Tameside Unitary Development Plan (adopted November 2004)* which seeks to ensure that developments do not have an unacceptable impact on the amenity of neighbouring properties.

Conclusion

9. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR