



Appeal Decision

Site visit made on 17 May 2022

by **A Caines BSc(Hons) MScTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/H0738/W/22/3295444

5 Bridgewater, Leven Bank, Yarm TS15 9BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Steve Cochrane against the decision of Stockton-on-Tees Borough Council.
- The application Ref 21/2640/FUL, dated 12 October 2021, was approved on 23 February 2022 and planning permission was granted subject to conditions.
- The development permitted is erection of single storey rear extension with balcony over, 1 rear Juliet balcony, loft conversion with rear dormer incorporating a Juliet balcony, alterations to exterior decking.
- The condition in dispute is No 3 which states that:
Notwithstanding the development hereby approved, prior to the first-floor terraced area being brought into use, a 1.8 metre balcony screen shall be installed above the floor level of the balcony for a length of 3.5 metres or otherwise a length to match the projection of the balcony from the original rear wall of the property. The balcony screen shall be obscurely glazed to an opacity level 4, unless a suitable alternative solution is agreed in writing with the Local Planning Authority. The balcony screen shall be retained for the life of the development in accordance with the above details or in accordance with a scheme as agreed on writing with the Local Planning Authority.
- The reason given for the condition is:
In the interests of the privacy and amenity of the occupiers of the adjacent neighbouring property.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my inspection I was also able to view the site from the neighbouring garden of 4 Bridgewater.

Main Issue

3. The main issue is whether the condition is reasonable or necessary to protect the living conditions of the residents of 4 Bridgewater with particular regard to privacy.

Reasons

4. The planning permission allowed a balcony above part of the rear extension, which has already been constructed. The balcony leads out from an opening to the master bedroom suite on the south facing elevation. It is currently partly enclosed by a low wall to the south and clear glass balustrades to the remaining sides. The disputed condition requires a 1.8 metre high, obscurely glazed privacy screen to be installed along the whole of the southern side of

the balcony. The appellant contends that a privacy screen is unnecessary due to the distance to the garden of 4 Bridgewater, which lies over 20 metres to the south, and also because of the screening from established garden vegetation along the boundary.

5. However, when I was stood on the balcony, I saw that it offers clear and unobstructed views to the south into the garden of number 4, including views of their outdoor patio areas. These patio areas are not otherwise overlooked by any neighbour. Although a small gazebo structure currently provides some cover to the upper patio, this comprises only a small part of the overall patio area. As I witnessed, any person using or moving around the uncovered patio areas could be easily observed from the balcony, and would undoubtedly experience a perception of being overlooked from the balcony, to the detriment of their enjoyment of their private outdoor space. An obscurely glazed privacy screen up to 1.8 metres high placed along the southern side of the balcony would prevent these harmful effects, whilst still retaining the benefits of the use of the balcony, including the attractive views of the river to the west.
6. I have taken into account that the screening effect from one of the garden trees may be improved when it is fully in leaf, as shown in the photographs submitted with the appeal. However, because this tree could be pruned, die, or otherwise be removed at any time, I attach limited weight to this matter.
7. It has been put to me that the balcony would be used infrequently and solely by the occupiers of the master bedroom when weather conditions are favourable. However, this is not a matter which can be reasonably controlled. Nor would it prevent the harmful effects arising from its use at those times, which would also likely coincide with times when the neighbours wish to enjoy their outdoor spaces.
8. I therefore find that the condition is reasonable and necessary to protect the living conditions of the residents of 4 Bridgewater with particular regard to privacy. It is required to ensure that the appeal scheme fully complies with Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan (2019), which among other things, seek to protect the privacy and amenity of neighbouring occupiers.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR