
Appeal Decision

Site visit made on 27 May 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/X3540/D/22/3291450

14 Yewdale, Carlton Colville, Lowestoft, NR33 8WF

- 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 and Mrs J Szomjas against the decision of East Suffolk Council.
 - The application Ref. DC/21/4699/FUL dated 12 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is construction of balcony to porch roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposal on the character and appearance of the streetscene; and ii) the effect on the living conditions of neighbouring occupiers.

Reasons

The effect of the proposal on the character and appearance of the streetscene

3. Number 14 Yewdale is a detached house situated at the end of a cul-de-sac, within a modern housing estate. It has a large forward projecting flat roof front porch which the proposed balcony would utilise, together with the addition of glazed screens at the perimeter. The side screens would be obscure glazed, mostly 1.7m high but reducing to 1.1m at the front, whilst the front screen would be 1.1m high with clear glazing. The house fronts onto a private drive, with a double garage at its end. Beyond the private drive is a public footpath, which appears to be part of the estate layout. The boundary between the drive and the footpath is marked by a substantial hedge. Immediately beyond the footpath there is open countryside.
4. From within the built up estate, the balcony would only be clearly seen by 3 neighbours but, whilst the appellants say that the hedge along the footpath would obscure the balcony from sight when on the footpath, the top of the porch was plainly in view at my site visit. Presumably the hedge is trimmed from time to time, but this is not in the appellants' control. From a visual point of view, it is the nature of the glazed balustrades, particularly those proposed to be obscure glazed, which would jar with the generally restrained architecture of this group of properties and the estate generally.

5. The appellants refer to an existing balcony on the porch of a house in nearby Ribblesdale, but that differs by having open metal balustrading which is visually fairly 'transparent'. I therefore do not consider that it amounts to a reasonable comparison to what is proposed here. Because of privacy considerations, the obscure glazing elements would be essential. My judgement on this issue is that the balcony would have a harmful effect on the character and appearance of the 'streetscene', taking into account the view neighbours and from the footpath.

The effect on the living conditions of neighbouring occupiers.

6. Overlooking of neighbours, primarily No.17 Ullswater, would be largely avoided by the proposed obscure glazing of the side screens, although where the top of these slope down to meet the front screen, it would be possible to look around the ends. It can be anticipated that normal consideration for neighbours would effectively avoid such loss of privacy. However, I consider that the use of the balcony could result in unintended noise and disturbance to the neighbour. This would be different to activity that occurs in a next door garden behind a substantial fence, because of the height at which it would take place. Such disturbance could well also affect No. 15 Ullswater. This could be a particular problem for users of the first floor bedroom in the rear of No.17.

Conclusions

7. I conclude that the proposed balcony would be harmful to both the character and appearance of the 'streetscene' and to the living conditions of neighbouring occupiers. It would therefore be contrary to the intentions of policy WLP8.29 of Waveney Local Plan, which promotes high quality design, and for these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR