



Appeal Decision

Site visit made on 12 July 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/P0240/D/22/3294821

26 Orchard Road, Pulloxhill, Bedfordshire, MK45 5HL

- 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 P Guinn against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03777/FULL, dated 13 August 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described as a 'glazed balustrade to balcony on rear'.
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Decision

1. The appeal is allowed and planning permission is granted for a glazed balustrade and obscure glazed screen to the existing rear balcony at 26 Orchard Road, Pulloxhill, Bedfordshire, MK45 5HL in accordance with the terms of the application Ref CB/21/03777/FULL, dated 13 August 2021, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not 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: CBC-001; L03 Rev D; L04 Rev E.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the adjoining occupiers at 24 Orchard Road in regard to privacy. The development plan includes policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (adopted 2021) (LP) which seeks to ensure that developments do not have an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity.
3. 26 Orchard Road is a large, detached two storey dwelling on a large plot that has been extended under previous permissions. An existing first floor balcony which wraps around the rear and side bedroom extensions was approved by the Council under ref CB/19/03812/FULL. That permission included a Juliet balcony to the patio doors in the rear elevation and a glass balustrade around the balcony on the side elevation of the rear bedroom extension. That balustrade did not project beyond the rear elevation of the dwelling. This proposal seeks to extend the glazed balustrade across the remaining part of the balcony on the rear elevation of the rear bedroom extension. The rear elevation of the house faces the large rear garden and fields beyond.

4. The adjacent property at no 24 is a detached two storey dwelling. It has a small rear garden which backs onto the village playing field. On the rear elevation at ground floor level there is a conservatory with a clear, tinted glazed roof. At my visit I stood on the balcony at the appeal dwelling and noted that whilst I was able to see through the neighbouring conservatory roof to the uppermost part of the glazed windows and doors, it was not possible to see anything below that height in the conservatory. It was only possible to see the nearest rear bedroom window at no 24 from a very oblique angle, by turning my view backwards towards the rear elevation of no 24. The main, forward facing view from the balcony is towards the rear garden of the appeal dwelling and the fields beyond that.
5. However, I also noted that views of the rear garden at no 24 were possible, albeit at an oblique angle, including of a sitting out area adjacent to the garage. Given the small size of that rear garden, the perception of such overlooking and loss of privacy would be significantly harmful to the living conditions of those occupiers.
6. The officer's report says that during the application process an amended plan (ref CBC-001) was submitted, proposing a 1.7m high obscure glazed screen attached to the existing raised parapet wall adjacent to the side elevation of the rear bedroom extension. The appellants have also submitted additional plans (refs L03 Rev D and L04 Rev E) during the appeal process which I have accepted because they simply clarify the detail of plan CBC-001 and would not prejudice the interests of the parties. The officer's report considered that the obscure glazed screen would not overcome the issue of overlooking due to the scale of the balcony.
7. However, from what I saw at my visit, it would create screening of 2m in height whereby only the rearmost part of the garden at no 24 would be seen and only at an oblique angle. This would reduce the amount of overlooking to an acceptable degree because most of the sitting out area would be screened from the balcony.
8. For the reasons given above, I conclude that the proposal would not lead to a severe degree of overlooking or a significant loss of privacy. It would not have an unacceptable adverse impact on the living conditions of the neighbouring occupiers at no 24 and would accord with LP policy HQ1.

Other matters

9. I have noted that the site lies within the Pulloxhill Conservation Area (CA) but the Council raised no objection in conservation terms to the proposal. The officer's report, however, considered that the obscure glazed screen would significantly alter the character and appearance of the dwelling. I saw that although the appeal dwelling comprises both a traditional, albeit unlisted, building and modern extensions, its rear elevation has a contemporary character and appearance. The proposed balustrade and obscure glazed screen would harmonise with the contemporary rear elevation and therefore would not harm the character or appearance of the dwelling and would preserve the character and appearance of the CA, in accordance with LP policy HQ1 which also seeks to ensure high quality design.

Conditions

10. In addition to the standard commencement condition, a condition is necessary requiring that the proposal is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is not necessary because those are specified in the plans. I have amended the description of the development in the formal decision to reflect that used by the Council in the decision notice which describes it more accurately and to reflect the amendment for the obscure glazed screen.

Conclusion

11. For the reasons given above, I conclude that the proposed development would accord with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

Sarah Colebourne

Inspector