



Appeal Decision

Site visit made on 3 August 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/P1425/D/22/3295941
83 Stafford Road, Seaford BN25 1UA

- 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 Lee Mildon against the decision of Lewes District Council.
 - The application Ref: LW/21/0774 dated 5 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is balcony with privacy screen on top of existing rear extension, with access from upstairs kitchen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit a balcony was in place at the appeal property but with a wooden balustrade around the edge. I have considered the proposal on the basis of the submitted information, to include privacy screens to the sides.

Main Issue

3. The main issue in this appeal is the effect on the living conditions of neighbouring occupiers, with particular regard to loss of privacy and effect on outlook.

Reasons

4. The appeal property is a semi-detached property on the south side of Stafford Road and within a predominantly residential area. The house and its immediate neighbours sit on steeply sloping land so that the properties appear to be single storey at the front and two storey at the rear. At the appeal property, the main living accommodation is at the upper level with the bedrooms at the lower level. As a result of this arrangement there are existing views from the first floor sitting room window over the rear, including the adjoining neighbour's rear garden.
5. However, I share the view of the Council that, given the size of the balcony and the depth of the projection and its openness, the balcony as it is currently constructed exacerbates the harm to the neighbours, in terms of overlooking and loss of privacy. It is not clear to me why the Council has indicated that any privacy screen would need to be 2.1m in height, given the average height of a person. Conversely, I do not agree with the response from the Town Council

that a screen of 1.2 m in height would be high enough to prevent overlooking, particularly if a person was standing, rather than sitting, on the balcony. Considering the issue of height alone, a privacy screen of 1.8m in height, as proposed, would in my view be necessary.

6. Although screens of an appropriate height to the side would assist in reducing direct overlooking to the neighbours' properties and gardens closest to the house, given the shape and large dimensions of the balcony, with the balustrade extending the full depth and width of the terrace, I do not consider that side screens would be sufficient to protect the amenities of neighbouring residents, particularly within their garden areas. The width of the balcony at its rear edge, and notwithstanding the privacy screen would still enable extensive and open views of the neighbours' gardens, rather than these views being channelled more directly and only to the rear.
7. I therefore conclude that the balcony with the proposed privacy screens as submitted would result in material harm to the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy DM25 of the Lewes District Local Plan and the National Planning Policy Framework, and in particular paragraph 103 f) which seeks to protect the amenities of existing and future occupants.
8. Were no other matters of concern and planning permission were to be granted, I consider that the materials for the privacy screen could be appropriately resolved.
9. I have also had regard to whether the requirement for such privacy screens would materially affect the outlook for neighbouring residents. The property at No 85 is separated from the appeal property at No 83 by side steps leading to the rear gardens and I consider that this gap would be sufficient to ensure that the additional height of the privacy screens would not be oppressive for these neighbours from their rear facing windows and garden. No 81 is the attached semi-detached neighbour but given the siting of the balcony away from the shared boundary I am satisfied that the introduction of privacy screens would not be oppressive and materially harm the outlook for these neighbours. However, my finding in this regard does not affect the harm I have already found in terms of overlooking and loss of privacy.
10. I have sympathy with the Appellant's reasons for seeking the balcony and have taken into account the health related issues raised. However, the permission would endure for future residents and the personal circumstances does not outweigh the harm I have concluded. The Appellant has referred to other balconies in the local area, although no further details have been provided. Each application must be considered on its individual merits, and that has been the basis of my assessment.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR