



Appeal Decision

Site visit made on 3 May 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/B3030/D/22/3292795

Cobblers Cottage, Brickyard Lane, Farnsfield NG22 8JS

- 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 & Mrs Smith against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02339/HOUSE, dated 28 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is a proposed flat roof and balcony amendment to approved application 20/00562.
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Decision

1. The appeal is allowed and planning permission is granted for flat roof and balcony amendment to approved application 20/00562 at Cobblers Cottage, Brickyard Lane, Farnsfield NG22 8JS in accordance with the terms of the application ref: 21/02339/HOUSE, dated 28 October 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref: 559/2021; Block Plan Ref: 559/2021; First Floor Plans drawing no. 559_2021_01; and Proposed Elevations drawing no. 559_2021_03 Rev B.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) All of the obscure-glazed screens shown on the approved plans shall be installed before the balcony hereby approved is first brought into use and shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. A previous planning permission was granted for a first-floor extension to rear above the existing ground floor flat roof footprint¹ including a single-storey rear projection, however the roof of the latter has been constructed with a flat roof

¹ Planning application ref. 20/00562/FUL

instead of the approved pitched roof. The appeal proposal seeks to retain this flat roof, change a door to a window for access and to install glazed panels to the flat roof to use it as a balcony. The flat roof and parapet have been constructed as shown on the submitted plan, however the door and panels were not in place. Therefore, I have considered the appeal on the basis that part of the development has already taken place.

4. The main issue, therefore, is the effect of the proposal on the living conditions of the occupiers of the neighbouring properties at Staddle Stones and Vine Cottage, with particular regard to privacy.

Reasons for the Recommendation

5. The appeal site contains a two-storey detached dwelling in the village of Farnsfield. The adjacent properties of Staddle Stones to the east and Vine Cottage to the west are both bungalows, with Vine Cottage set further back than the front elevation of the appeal property.
6. There was some inconsistency between the parties regarding the effective height of the proposed glazed panels. The Council had measured the height of the panels from the top of the parapet as no details of the floor level were shown on the drawings submitted to it. The appellants have however now provided a section drawing with their appeal submission that shows the panels would be erected on top of the parapet with the floor level of the balcony at a lower level. The Council has been given the opportunity to comment on this drawing and acknowledges that the additional drawing does not change the material details of the proposed development. As the drawing clarifies and does not alter the proposal, and as no party would be prejudiced, I will therefore take this section drawing into account in addition to the drawings that the Council's decision was made on.
7. The use of the flat roof as a balcony would offer the opportunity to look down directly into the side windows of Vine Cottage and the gardens of both that property and Staddle Stones at a closer distance than offered by the existing first-floor rear windows, harmfully affecting the living conditions of the occupiers. However, the effective 1.7m height of the obscure-glazed panels proposed to the sides and corners of the balcony would be tall enough prevent any direct overlooking of the windows of the neighbouring dwellings. Furthermore, compared to the existing situation they would reduce overlooking of the area of garden at Staddle Stones nearest to that dwelling, an area which is usually the most private.
8. The proposed screens along the central part of the rear edge of the balcony would be lower than those at the sides. Therefore, people using the balcony would be able to look out to the rear. There is already a degree of overlooking of the rear garden at Vine Cottage from the existing first-floor rear windows however. Furthermore, the position of that dwelling and its garage provides extensive screening of the area of garden nearest to the rear of the dwelling. Views from the balcony would therefore be limited to the area of the garden furthest from the dwelling. Consequently, the potential for additional overlooking of the garden would be limited, and would not result in an unacceptable reduction in privacy to the occupiers of that property.
9. A balcony is likely to be used for longer periods than the time spent looking out of a bedroom window, however the times a balcony is used and the associated

noise and activity would be similar to people sitting out in the garden. Although in an elevated position, the proposed screens would have a similar effect to fences between gardens, in that people using the balcony would be audible but not obviously visible. Consequently, I do not consider that the proposed balcony would unacceptably or harmfully reduce privacy for neighbouring occupiers through the perception of people using the balcony.

10. Accordingly, the proposal would comply with policies DM5 and DM6 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (July 2013) and policy FNP1 of the Farnsfield Neighbourhood Plan (September 2017), which all require, amongst other things, that development does not cause have an adverse impact or cause an unacceptable reduction to the living conditions of nearby residents or occupiers, including by means of loss of privacy.
11. The proposal would also be in accordance with the guidance in paragraphs 126 and 130(f) of the National Planning Policy Framework and paragraphs 7.7-7.11 and 8.12(v) of the Newark & Sherwood Local Development Framework Householder Development Supplementary Planning Document, which require development to provide a good standard of amenity for neighbouring occupants.
12. The Council's reason for refusal cites a conflict with Core Policy 9 of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy (March 2019). However, this policy relates to sustainable design and does not specifically refer to the effect of a development on the living conditions of neighbouring properties. Therefore, it has not been determinative in my consideration of this main issue.

Other matters

13. The appeal site lies just outside the Farnsfield Conservation Area (CA), however the southern boundary of the site adjoins the CA boundary. The Council also states that the appeal site is a non-designated heritage asset (NDHA). The proposal is for a contemporary design on a traditional property, however previous developments have already significantly altered the rear elevation and a pitched roofed projection has been approved in the same location. Consequently, it would not harm the significance of the NDHA compared to what has already been approved.
14. Given the limited scale of the proposal and the very restricted views of it from public vantage points, the effect of the proposal on the setting of the CA would be minimal. Accordingly, I find that the proposal would preserve the character and appearance of the CA as a whole.

Conditions

15. As the proposed development has already been started, it is unnecessary to impose the standard time limit condition. In order to provide certainty and in the interests of proper planning it is necessary to specify the approved plans. In the interests of the character and appearance of the area a condition specifying that exterior materials used match the existing dwelling is also necessary.

16. A condition is also necessary to ensure the screens are in place before the balcony is used and retained thereafter, to prevent any unacceptable overlooking of the neighbouring properties.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions above.

L McKay

INSPECTOR