



Appeal Decision

Site visit made on 8 November 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/A0665/D/22/3306067

Grange House, Grange Lane, Edge, Malpas SY14 7DZ

- 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 Mrs Wendy Monaghan against the decision of Cheshire West and Chester Council.
 - The application Ref: 21/03265/FUL, dated 28 July 2021, was refused by notice dated 8 June 2022.
 - The development proposed is extend a balcony that is already on the house where we have existing French doors to a small balcony on first floor bedroom. Size will be 430 x 150 cm. It will be nestled between 2 existing lower protrusions of the garden room and utility room and will not extend beyond them, in fact be at least half the size of the existing protrusions. Glass will be the main material used so it will not obstruct the look of the building. It will be attached to existing walls so no support posts will be visible.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the dwelling and surrounding area, and the effect on the living conditions of neighbours in respect of privacy.

Reasons

3. The appeal building is a middle part of a converted barn complex and set in the open countryside. The proposed balcony would replace an existing Juliet style balcony at first floor level at the rear of the building. Views from the existing balcony are towards grassed areas and car parking, with open fields and hills beyond.

Character and appearance

4. The barn has a linear form, with single storey additions at its rear elevation. The barn has been converted to dwellings whilst retaining its overall form and simplicity. The first floor of its rear elevation is relatively uncluttered, with the vernacular brickwork adding to its quality in appearance. The existing balcony at the appeal building is an exceptional addition, but small enough in scale to appear as subservient. The Council has adopted supplementary planning guidance for House Extensions and Domestic Outbuildings. This advises that where a dwelling was originally constructed for a non-residential purpose any

extensions must be of a scale and sympathetic design that is consistent with the retention of the architectural and functional character of the building.

5. The proposed balcony would represent a significant increase in size when compared to the one it would replace. The balcony would utilise clear glazing as barriers, a stainless-steel handrail and wood deck floor. It would be visible from the approach to the parking areas and from neighbouring rear gardens. The balcony would appear prominent at the rear elevation of the converted barn, because of its proposed design, domestic function, size and scale. It would not appear as a subordinate addition and would have a significant harmful effect on the character and appearance of the former agricultural building and the rural area.
6. Therefore, the proposed balcony would conflict with Cheshire West and Chester Council Local Plan (Part Two) policies DM 3 and DM 21 which together require extensions and alterations to respect the scale, character and appearance of the existing building and to contribute positively to the character of the area. It would fail to comply with policy LAN 3 of the No Mans Heath & District Neighbourhood Plan which seeks to ensure that extensions and alterations to buildings reflect the character and appearance of the existing building and are in keeping with the surrounding development. It would also conflict with the objective in the National Planning Policy Framework of achieving well designed places.

Living conditions of neighbours

7. The proposed balcony would allow overlooking of the rear areas of neighbouring property at either side, and in particular amenity space used by the occupants of No.5 Edge Grange Barns. The existing balcony already allows some overlooking of these areas. However, a larger balcony would be likely to increase the amount of time it was used and add to impacts on privacy. The appellant has suggested that privacy screening could be installed to prevent overlooking. Whilst screens would resolve any significant loss of privacy they would add to the bulk and visual impact of the balcony, and detract further from the rural character and appearance of the building.
8. In view of the potential harm to the living conditions of neighbours, based on the refused drawings, the proposal would conflict with policy SOC 5 of the Cheshire West and Chester Council Local Plan (Part One) and policies DM 2, DM 3 and DM 21 of the Cheshire West and Chester Council Local Plan (Part Two) which, amongst other things, seek to protect residential amenity.

Other Matters

9. The appellant contends that the ground floor extension at No.5 Edge Grange Barns granted permission by the Council is of domestic and not agricultural style. Nevertheless, that extension is a different form of development and its existence fails to justify allowing the proposed balcony subject to this appeal.

Conclusion

10. I acknowledge the appellant's desire to create a sitting out space at the rear of the property. However, whilst privacy issues could be overcome there would be significant harm to the character and appearance of the converted barn and

its rural setting. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR