



Appeal Decision

Site visit made on 25 October 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/H4315/D/22/3303620

12 Woodside Avenue, St Helens WA11 7BS

- 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 Shane Bluck against the decision of St Helens Council.
 - The application Ref: P/2022/0163/HHFP, dated 3 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is amended handrail to balcony at first floor of existing dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for erection of amended handrail to balcony at first floor of existing dwelling at 12 Woodside Avenue, St Helens WA11 7BS in accordance with the terms of application ref: P/2022/0163/HHFP, dated 3 March 2022 and subject to the conditions in the schedule at the end of this decision.

Preliminary Matter

2. The appeal concerns the installation of a handrail for a balcony located on top of a rear extension to the property. A handrail was constructed over two years ago and was subject to a previous application ref: P/2021/0306/HHFP, refused by the Council, for the retention of a handrail to enclose an existing single storey extension to form a balcony area.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of neighbours at Nos.13 and 11 Woodside Avenue in respect of privacy.

Reasons

4. No.12 Woodside Avenue is a semi-detached dwelling located in a residential area comprised of similar properties.
5. The balcony may be accessed by a doorway which the Council has deemed to be lawful. Views from the balcony and its area of decking are towards agricultural land, providing no direct outlook towards any buildings. The current handrail allows overlooking of part of the rear garden at No.11 Woodside and back towards its nearest first floor window. It also allows overlooking of the rear garden of No.13 Woodside Avenue, along with a

conservatory, although there is some screening from an outbuilding in the rear garden of No.13.

6. There is an existing linear area of decking alongside the side boundary of the appeal dwelling with No.13 Woodside Avenue. The existing handrail would be removed from that area, and access prevented, thereby eliminating any potential for overlooking the property of No.13 from that part of the balcony and decking which currently exists.
7. The front handrail would be around 1.1 m in height and set back by 1 m to reduce the depth of the decking to around 2 m from the rear wall of the house. The drawings indicate that a new louvred side screen would align in position with the side of the house next to No.13 and would have a height of around 1.8 m. A similar louvred screen would be positioned next to the boundary with No.11 Woodside Avenue. The Council has suggested that obscure glass privacy screens should be erected as an alternative. I agree that such screens, with their slight increase in height, would be preferable in order to protect the privacy of neighbours and to also provide an increased barrier to any noise generated by use of the balcony. The barriers would extend around 2.9 m from the rear wall of the house, which, if considered as an extension, would conflict with advice in the Council's supplementary planning guidance: House Extensions which specifies a limit of 2 m. However, glazed screens would be less obtrusive than louvred screens and not comparable to an extension with a solid wall.
8. I consider that the proposed reduction to the area of the balcony and provision of the revised obscure glass privacy screens would significantly reduce any loss of privacy to the gardens or rear windows in the neighbouring properties at either side of the appeal building. The proposal would therefore fail to conflict with St Helens Unitary Development Plan policy Gen 8 which seeks to ensure that development maintains privacy for neighbours and avoids unacceptable intrusiveness.

Conditions

9. In addition to the standard condition for commencement of development I have included a condition to specify the approved plans. A condition is imposed, based upon that suggested by the Council, requiring the use of 2m high obscure glass screens in order to protect the amenity of neighbours.

Conclusion

10. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be allowed.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans, with the exception of the proposed louvred screens, which are subject to condition 3 below: 1063 (90)001 site location plan, 1063 (20)001 proposed ground floor plan, 1063 (20)002 B proposed first floor plan, 1063 (20)100 C proposed elevations.
3. A 2 metre high privacy screen to both sides of the balcony hereby approved shall be fitted with obscure glass which achieves a minimum of level 3 on the Pilkington scale (where 1 is the lowest and 5 the greatest level of obscurity). Prior to construction details of the screens and their location shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the privacy screens thereafter retained.