



Appeal Decision

Site visit made on 16 December 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Appeal Ref: APP/F2605/D/22/3303193

Manor House Cottage, School Road, Colkirk, Norfolk, NR21 7NW

- 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 D Grocott against the decision of Breckland Council.
 - The application Ref 3PL/2022/0499/HOU, dated 24 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is described as the removal of sunshade and provision of balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a balcony at Manor House Cottage, School Road, Colkirk, Norfolk, NR21 7NW, in accordance with the terms of the application, Ref 3PL/2022/0499/HOU, dated 24 April 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 100.77.2 Rev A

Procedural Matter

2. The planning application form describes the proposed development as the removal of sunshade and provision of a balcony. The submitted plans relating to the existing building show a sunshade element projecting from the rear elevation of the house. At the time of my visit, there was no evidence of such a sunshade. I have reflected this fact in my description of the development in the decision paragraph above. The lack of any existing sunshade has not influenced my decision relating to the proposed balcony.

Main Issue

3. The main issue in this case is the effect of the proposed balcony on the living conditions of the occupiers of the adjacent property, St Lucia, and other neighbouring properties, by way of privacy and noise.

Reasons

4. The appeal property is a detached house on a spacious plot, situated on the southern side of School Road in the small settlement of Colkirk. It is a complex building of largely brick and timber design. The rear elevation has large glazed

elements at both ground-floor and first-floor levels looking out over the long rear garden. The proposed balcony would extend some 1.5 metres beyond the first-floor, full height windows in the two rear bedrooms. It would be set in some 3 metres from the western side elevation of the house. It would have a 1.1 metre high, clear-glazed balustrade across its full width, and a 1.8 metre high, obscure glazed panels to both ends of the balcony.

5. Policy COM03 of the Breckland Local Plan (LP) indicates that for all new development consideration will need to be given to general amenity impact issues, including residential amenity. Development should not cause unacceptable effects on the residential amenity of neighbouring occupants, including the effects of overlooking and noise.
6. The Council contends that the proposed balcony would result in an increased perception of overlooking to the amenities of the adjoining properties, which would result in an unacceptable loss of general amenity. The occupiers of the adjacent house, St Lucia, contend that the balcony would substantially infringe on their privacy by allowing direct and elevated observation when in both the garden and conservatory. Furthermore, noise from the balcony, which would be only a few metres from the boundary, would not be muted by any fence or garden planting, allowing conversations in both directions to be clearly heard.
7. The appellant contends that the proposal is for a balcony 1.5 metres deep, which has been designed with an obscured glass panel at each end to reduce overlooking. Moreover, the conservatory of the adjacent house could not be viewed unless occupiers of the appeal property were to lean out from the balustrade. The rear garden of the neighbouring St Lucia is already overlooked by the appeal property, and the proposed balcony will only provide views over the rear portion of the neighbouring garden.
8. The side elevation of Manor House Cottage is around 2 metres from the boundary with St Lucia. The proposed balcony would be set in some 3 metres from the side elevation. It would appear that the conservatory at St Lucia is towards the western side of the house and over 10 metres from the boundary with the appeal site. In addition, the rear elevation of Manor House Cottage lies around 3 metres beyond the rear elevation of St Lucia, such that the majority of the conservatory lies behind the rear elevation of the appeal dwelling. On this basis, any clear views into the neighbouring property would be only of the rear portion of the garden.
9. The proposed balcony would project some 1.5 metres beyond the existing rear elevation of the house, but would have a 1.8 metre high, obscure-glazed panel at its western end, which would prevent any direct overlooking into the neighbouring conservatory and the private area immediately adjacent to the conservatory. I acknowledge that it would be possible for the occupiers of the appeal property to lean over the balustrade of the balcony but, in this case, it would be little different from leaning out of a large window, which could occur in many common residential situations. Moreover, the conservatory at St Lucia would be wholly behind the level of the furthest projection of the balcony and at a distance of over 15 metres. On this basis, I do not consider that the balcony would be likely to result in any significant additional impact on the privacy of the occupiers of the neighbouring property.
10. The occupiers of St Lucia contend that noise from the balcony would not be muted by any fence or garden planting, allowing conversations in both

directions to be clearly heard. However, the balcony would have a 1.8 metre high glazed panel at its western end which would minimise any noise from the balcony affecting the area at the rear of the house at St Lucia in a way similar to that in which a garden fence would reduce external noise at ground level.

11. Finally, the Council contends that the balcony would be harmful to the levels of privacy at dwellings to the rear of the appeal property. However, the Council also acknowledges that any nuisance would be less severe than that experienced at St Lucia, because of the separation distances, orientation and better screened gardens. In my opinion, by virtue of the degree of separation and level of screening, any impact from the balcony on privacy at these properties to the rear would be minimal at most.
12. In conclusion, I find that the proposed balcony would not be significantly harmful to the living conditions of the occupiers of adjacent properties and would not cause unacceptable effects on the residential amenity of those properties. On this basis, it would not conflict with Policy COM03 of the LP.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

J D Westbrook

INSPECTOR