



Appeal Decision

Site visit made on 10 February 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/W2845/D/22/3307158

1 Ewart Close, Long Buckby, Daventry NN6 7ZE

- 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 and Mrs Colin Knowles against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0193, dated 28 February 2022, was refused by notice dated 14 July 2022.
 - The development proposed is construction of first floor balcony and change window to door.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is a more succinct description than given in the planning application form. It is also the description the appellant has used in Part E of the appeal form.

Main Issue

3. The main issue in this case is the effect of the proposed balcony on the living conditions of No.1 Holmfield Terrace, with regard privacy.

Reasons

4. The appeal property is a relatively recently constructed split level dwelling situated on the south side of Ewart Close, a small cul-de-sac off Harbridges Lane. It has a broadly cross shaped plan form and it is proposed to construct a first-floor balcony in the south east corner filling the space between the main living area and a bedroom/study. The balcony would be accessed from a new patio door, replacing an existing window to the living area.
5. To the south east is a row of two-storey cottages, which includes No.1 Holmfield Terrace (No.1), orientated such that its front elevation faces the rear of the appeal property. The proposed balcony would project a maximum of around 4m from the southern (living room) elevation of the appeal property and would be only around 16.5m from this front elevation of No.1. I am sure that the current occupiers of the appeal property would make a conscious effort not to stand on the proposed balcony and observe the front elevation of No.1,

rather respecting their privacy. However, it was evident from my site visit that it would be possible to look directly from the balcony into the two ground and first floor windows of No.1 which I could quite clearly see were bedrooms and a living room.

6. The Council's '*Designing House Extensions*' *Supplementary Planning Guidance* sets out that the minimum distance between facing windows of habitable rooms in neighbouring properties should be 22m. Whilst this guidance does not explicitly refer to balconies, it seeks to ensure that the effect of extensions on neighbours are considered. In this case, the existing windows in the south east corner of the appeal property have been designed so that they do not directly overlook No.1 and meet the minimum separation distances in the SPG. In contrast, the proposed balcony would be noticeably closer and would result in direct overlooking of habitable room windows so as to result in a loss of privacy to an unacceptable level.
7. The appellant has drawn my attention to the Public Right of Way to the front of the cottages on Holmfield Terrace, so between No.1 and the appeal property, but I note that users of this would have only transient views to the front (ground floor) windows of No.1. This is quite different to those from an elevated balcony where users would reasonably sit or stand for a length of time. Further, I acknowledge that there are existing trees on the boundary and planted within the garden of the appeal property that will eventually provide some screening during the spring and summer months. I do not, however, find this screening sufficient to mitigate the significant harm I find to the living conditions of No.1 through a loss of privacy.
8. Consequently, I find the proposal would conflict with Policy RA1 and ENV10 of the Settlement and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (2020) and paragraph 130 of the National Planning Policy Framework which together seek to protect the amenity of existing residents.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR