



Appeal Decision

Site visit made on 4 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/C3240/D/22/3313355

24 Stretton Close, Sutton Hill, Telford TF7 4LS

- 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 Stewart Cartwright against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2022/0870, dated 17 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as 'the proposal is to build a single storey rear and side extension with a balcony, this is to create a larger kitchen and a sun lounge, also, to extend the front of the garage by 800mm and extend the front bay window.'
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Decision

1. The appeal is dismissed insofar as it relates to the proposed single storey rear and side extension with a balcony.
2. The appeal is allowed and planning permission is granted to extend the front of the garage by 800mm and extend the front bay window at 24 Stretton Close, Sutton Hill, Telford TF7 4LS in accordance with the terms of the application, Ref TWC/2022/0870, dated 17 October 2022, 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 plans: Sheet 01, Sheet 04, Sheet 05, and Proposed block plan.
 - 3) 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.

Preliminary Matters

3. For the reasons that follow, I find the proposed extension to the front of the garage and the front bay window to be acceptable. Such elements are clearly severable both physically and functionally from the proposed rear extension and balcony. Therefore, I intend to issue a split decision in this case and grant planning permission for the extension to the front garage and front bay window.

Main Issues

4. The main issues are the effect of the development on the:
 - character and appearance of the host property and the area; and

- living conditions of occupiers of 22 and 26 Stretton Close, with particular regard to privacy.

Reasons

Character and appearance

5. There is some variation to the design of properties on Stretton Close, however, the predominant character comprises dormer bungalows with steeply pitched roofs and two-storey detached dwellings with forward projecting garages. The appeal property contributes to the pleasing consistency to the street scene.
6. The proposals include a small extension at the front of the garage and front bay window extension. The Council has raised no objections to these elements of the appeal proposals and based on the information provided and my observations on site, I concur.
7. The flat roof design and appearance of the side and rear extension would contrast with the pitched roof character of the host property. However, due to its small scale and position at the rear of the property, it would not be harmful to, or compromise, its character and appearance.
8. The proposal would also add a balcony, enclosed by a low balustrade, at first floor level on the roof of the proposed side and rear extension. The glazed and lightweight nature of the balustrade would ensure that the simple appearance of the existing dwelling would remain legible. It would therefore have a limited additional impact on the host property above that of the proposed side and rear extension which, for the reasons given, is acceptable.
9. There would be public views of the balcony from the rear of adjoining dwellings and the golf course to the rear of the appeal property. In the context of extensions and alterations to the rear of other properties that adjoin the golf course, the proposal would not appear dominant or harmful.
10. A small section of the balcony would also be visible from the street. However, given the distance it would be set back from the public highway and the existence of mature planting on the frontage it would not be prominent in such views.
11. I noted on my site visit that there are no other properties near the appeal site with balconies on the rear elevation. Even so, my attention has been drawn to some balconies at the front of other properties in the wider area. The introduction of a balcony at the appeal property would not be an unusual feature within the area, therefore. Furthermore, given the appeal proposal is at the rear it would not be as visually prominent as the other balconies that have been referred to.
12. Accordingly, I conclude that the proposal would not harm the character and appearance of the host property or the area. It would not, therefore, conflict with Policies SP4, BE1 and BE2 of the Telford and Wrekin Local Plan 2011-2031 (LP) which seek to ensure that new development respects local character and integrates with its surroundings. It would also accord with the design objectives set out in paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions

13. The proposed balcony would project beyond the rear elevation of the appeal property close to the shared boundary with 26 Stretton Close. In such a position, elevated above the boundary treatment, it would afford a view of a large proportion of the rear garden of the adjoining property. Whilst the proposed balustrade would be of frosted glass along the side closest to no. 26 it would not prevent views into the neighbouring garden due to its low height. Consequently, the balcony would result in a high level of overlooking at close range into the garden of no. 26. This would be detrimental to the enjoyment of the garden by its occupiers resulting in a significant loss of their privacy, thereby unacceptably harming their living conditions.
14. I recognise that oblique views into the neighbouring property may be available from existing rear windows. However, the proposed balcony would be closer to the neighbouring property and the impact of a balcony would be greater than occasional views from an upper bedroom window. Views from windows are likely to be occasional and fleeting whereas a balcony is designed to be sat on, potentially for lengthy periods of time. That would give rise to overlooking and an increased sense of being overlooked for neighbouring residents who would be able to see people sat on the structure.
15. I have considered the imposition of conditions to address the impact of overlooking and loss of privacy that I have identified. A higher, obscured glazed balustrade or tall conifers along the boundary with no. 26 could be secured by condition. However, the height of such features would result in an oppressive and overbearing outlook for the neighbouring occupants unacceptably harming their living conditions.
16. Whilst the occupants of no. 26 do not object to the balcony this does not justify allowing a development which would cause unacceptable harm to living conditions.
17. Views of 22 Stretton Close from the balcony would be from a greater distance and over the front garden of that property. It already experiences some passive overlooking given its position relative to the road, notwithstanding that it is sited on a spur off the main carriageway. In such circumstances the development would not materially and unacceptably reduce levels of privacy to the occupants of no. 22.
18. Notwithstanding this, I conclude that the proposed balcony would unacceptably harm the living conditions of the occupants of Stretton Close with regard to privacy. It would therefore be contrary to LP Policies SP4, BE1 and BE2 which seek to ensure that, amongst other matters, developments demonstrate that there are no significant adverse impacts on the amenity of neighbouring properties. It would also be contrary to paragraph 130 of the National Planning Policy Framework.

Conditions

19. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory.

Conclusion

20. For the reasons given above the appeal is allowed insofar as it relates to the extension to the front of the garage and the front bay window.
21. The single storey rear extension and balcony above, however, conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the harm and associated development plan conflict. I hereby dismiss this appeal insofar as it relates to the single storey rear extension.

Elaine Moulton

INSPECTOR