

Appeal Decision

Site visit made on 9 May 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/Y0435/D/23/3317498

9 Shallowford Grove, Furzton, Milton Keynes, MK4 1ND

- 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 David Jolly against the decision of Milton Keynes Council.
 - The application Ref 22/03129/HOU, dated 16 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is a glass balustrade for front balcony & two Juliet balconies for an extension that has been built under a previous approval (ref. 18/01977/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed glass balustrade on the character and appearance of the host dwelling and the surrounding street scene and the wider area; and secondly, the effect of the balcony extension towards 10 Shallowford Grove on the living conditions of occupiers of that dwelling with respect to privacy.

Reasons

3. The appeal dwelling is one of a row of large, modern detached houses set on a curved cul-de-sac and overlooking Furzton Lake. Most of the dwellings are of two storey design with high pitched hipped roofs. Balconies at first floor are characteristic. The dwellings feature mock Tudor detailing such as half timbering and decorative brickwork but are nevertheless clearly modern.
 4. Unlike its neighbours, the appeal dwelling has been extended into the roof space and a shallow but extensive flat roofed front extension has been added up to eaves height, as well as a large front facing gable at roof height which opens onto a balcony over the front extension. The dwelling therefore appears larger and more prominent than its neighbours. The design of the extension is contemporary and this, coupled with dark framed, large paned replacement windows, gives the dwelling a noticeably different appearance.
 5. The permitted balustrade around the second floor balcony and the Juliet balconies at first floor are of timber and at second floor set in from the edges of
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the balcony, particularly adjacent to No 10. However, both the balustrade and the Juliet balconies have been installed as glazed panels. Moreover, the balustrade is set around the outer edge of the balcony and across its full width.

6. In view of the contemporary appearance of the house I do not find the glazed panels out of keeping with the host dwelling. Moreover, since the dwelling already has a noticeably different appearance from its neighbours, I do not consider that, in principle, the introduction of a glazed balustrade and Juliet balconies on this dwelling would materially detract from the street scene as a whole or from long distance views from across the lake. In terms of prominence, any balustrade of the permitted scale and at second floor level would be readily noticeable and I do not consider that the proposed glazing, in the permitted locations, would be materially more so than timber. In view of the north facing orientation of the glazing, neither do I consider that glare is likely to be significant.
7. Nevertheless, the proposed balustrade would be noticeably wider than the permitted timber balustrade and its proposed installation around the outer edge of the balcony would add to its width and prominence. Of particular concern is the extension towards No 10. This results in the balustrade cutting across the line of the gable end, detracting from the appearance of the dwelling. This would be compounded by the balustrade standing out against open sky, increasing its visibility, emphasising its boxy profile and making glare more likely by exposing glazing to direct sunlight from the south.
8. The appellant suggests that the transparent nature of the glazing would make it discreet. However, light is altered as it passes through the glazing, making the glass clearly visible, especially when back-lit.
9. Overall, whilst finding the Juliet balconies acceptable, I find that the glazed balustrade, due to its proposed extent and installation around the outer edge of the balcony, would be detrimental to the appearance of the host dwelling and unduly prominent in the street scene, particularly when approaching from the east, and in the wider area.
10. It is concluded on the first main issue that the proposed glazed balustrade would materially harm the character and appearance of the host dwelling and the surrounding area. In consequence it would conflict with Policies D1, D2 and D3 of the Plan:MK 2016-2031 (LP), adopted 2019. Taken together, these expect new development to respond appropriately to the site and surrounding context, such that it exhibits a positive character through distinctive architecture which, through appropriate form, massing and façade elements, creates character and visual interest that is of a scale and design that relates well to the existing building and does not detract from its character or that of the surrounding area.
11. Turning to the living conditions of occupiers at 10 Shallowford Grove, the proposed extension of the balustrade towards No 10 means that more overlooking of No 10 could occur. Views to the rear garden would be limited and although a small, paved area outside the back door could be seen clearly this is not an area likely to be used for recreation. Material views into rooms served by front facing windows at No 10 would not be possible due to the oblique angle. However, a first floor side window could be clearly seen and limited views would be possible into the ground floor bay. The evidence states that the side window

serves a bathroom. Nevertheless, it appears to be clear glazed and in any case is a casement that opens such that views into the room would be possible from the extended balcony. Whether or not the room is a bathroom or a habitable room such as a bedroom, a material loss of privacy and a significant feeling of being overlooked from the higher level of the balcony could therefore occur.

12. It is concluded on the second main issue that the proposed balustrade, owing to its extension towards No 10, would be materially harmful to the living conditions of occupiers of 10 Shallowford Grove with respect to privacy. In consequence it would conflict with LP Policy D5 which expects all proposals to create and protect a good standard of amenity for buildings and surrounding areas and should, in particular, ensure a reasonable degree of privacy to existing private living space with overlooking limited to an acceptable degree.

13. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, I conclude that the appeal should be dismissed.

KE Down

INSPECTOR