



Appeal Decision

Site visit made on 15 August 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/C1570/D/23/3319346
Conway, Causeway End, Felsted, CM6 3EY

- 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 Jeremy Freeman against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3121/HHF, dated 16 November 2022, was refused by notice dated 4 January 2023.
 - The development proposed is a rear balcony and canopy to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a rear balcony and canopy to rear elevation at Conway, Causeway End, Felsted, CM6 3EY in accordance with the terms of the application Ref UTT/22/3121/HHF, dated 16 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Site Location Plan; Site Plan – S073.3A; Proposed Elevations – S073.2B1.
 - 3) The external material to be used in the construction of the canopy roof shall match that used on the existing dwelling.
 - 4) The privacy screening, as shown on the approved plans, shall be erected prior to the balcony being brought into use. The screening shall thereafter be retained throughout the life of the development.

Procedural Matter

2. Since my site visit, the Government has published a revised version of the National Planning Policy Framework (The Framework 2023). However, none of the amendments contained in the revised version are relevant to this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of the neighbouring dwelling, Richmond Lodge, with particular regard to privacy.

Reasons

4. The appeal property is a detached dwelling, which is situated within a row of detached houses facing the road. It sits within a relatively large plot and the property has extensive views over open countryside at the rear.
5. The proposal is to erect a rear first-floor balcony and ground-floor canopy. The submitted plans show the side of the balcony facing Richmond Lodge to be wholly screened by solid vertical privacy boarding, whilst the other side would have privacy glass at a height of 1.75m. Lower glass panels would be erected along the rear facing part of the balcony. The frame of the canopy and balcony would be constructed of oak and the roof would be finished with clay tiles.
6. The Council considers that the proposal would have an adverse impact on the living conditions of the occupants of Richmond Lodge by an increased threat to their privacy. As such, the Council argues that the proposal would conflict with Policies GEN2 and H8 of the Uttlesford Local Plan 2005 (LP). These policies generally seek to ensure that proposals do not have an adverse effect on the enjoyment of dwellings and there would be no material overlooking onto nearby properties.
7. In addition, the Council's Supplementary Planning Document – Home Extensions advises that overlooking should be avoided. I consider that these policies and guidance are consistent with paragraph 130 of The Framework 2023, which (amongst other things) states that developments should create places with a high standard of amenity.
8. I note that the Council does not consider that the proposal would have an overbearing impact on neighbouring properties and I have no reason to disagree with that assessment.
9. At my site inspection, I visited both the appeal property and the neighbouring dwelling Richmond Lodge. I was able to assess the views from both properties (the view from the appeal property towards Richmond Lodge and from Richmond Lodge towards the appeal property).
10. I have given weight in my decision to the fact that the appellant already has clear views (at an angle) into the neighbouring rear garden from the existing Juliette window, which serves the main bedroom of the appeal property. The proposed balcony would be accessed from that room and, subject to the erection and retention of the privacy screening, the degree of overlooking would not materially change. In fact, the view over the main patio area of Richmond Lodge would be reduced by approximately 1.8m.
11. Although the construction of the balcony may lead to increased activity at first-floor level, I am not persuaded that the proposal would be unacceptably harmful to the occupants of Richmond Lodge. Therefore, I conclude that the proposal would not conflict with the provisions of the Development Plan, as referred to above.

Conditions

12. I have imposed the standard condition requiring the development to commence within 3 years. For clarity, a condition specifying the approved plans is also imposed. To ensure a satisfactory external appearance, a condition requiring the use of matching external materials in the construction of the canopy roof is

necessary. Finally, to protect the privacy of the occupants of Richmond Lodge, a condition is imposed that requires the privacy screening to be erected and retained is also imposed.

Conclusion

13. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR