

Appeal Decision

Site visit made on 21 September 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/V1505/D/23/3324583

22 Lynstede, Basildon, Essex SS14 1TU

- 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 Viorel Streche against the decision of Basildon Borough Council.
 - The application Ref 23/00185/FULL, dated 7 February 2023, was refused by notice dated 24 April 2023.
 - The development proposed is front balcony on first floor over garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is provided in a more succinct form, which more clearly describes the proposed development, in the decision notice. Therefore, the above description reflects this amended description.

Main Issues

3. The main issues are the effect of the proposed balcony on the character and appearance of the host dwelling and the surrounding area; and on the living conditions of the occupiers of No 20 Lynstede, with regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a two storey end-of-terrace dwelling in a residential road of similar property types.
 5. Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) states that planning permission for the alteration of an existing dwelling will be refused if it causes material harm to the character of the surrounding area, including the street scene.
 6. The proposed balcony would be located on the flat roof of the appeal property's garage. The uniform design of the terrace results in a projecting flat roof at first floor level across its full length. This is currently uninterrupted and is a prominent feature within the street scene.
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7. The enclosure of part of this flat roof area would, therefore, be particularly visible from the surrounding area. The effect would be apparent not only from the physical enclosure of the roof area, but also the likely use of the balcony in terms of sitting out and related domestic paraphernalia. Consequently, the change to this original design feature through the interruption of the currently open aspect across the first floor roof scape would be uncharacteristic and incongruous, given that this feature of the layout and appearance of the terrace is otherwise unchanged.
8. I acknowledge that there are existing balconies on Nos 2 and 4 in the same street. However, the Council indicates that these balconies do not appear to benefit from planning permission. The effect of these apparently unauthorised balconies is similar to the findings above with regard to the appeal proposal and, therefore, they should not be seen as positive precedents.
9. Accordingly, for these reasons, I conclude that the proposed balcony would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies, described above. It is also contrary to the National Planning Policy Framework (the Framework), which advocates good design.

Living Conditions

10. The nearest upper floor window of the neighbouring property, No 20, would be relatively close to the side of the balcony. Consequently, use of the front of the balcony on the side closest to the window would enable views back towards the neighbouring property. This would result in a loss of privacy to the neighbouring occupiers and would also increase their perception of being overlooked due to the presence and general use of the balcony.
11. Therefore, based on these findings, I conclude that the proposed balcony would cause material harm to the living conditions of the occupiers of No 20 Lynstede, with regard to privacy. As such, the proposal is contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies, which states that planning permission for the alteration of an existing dwelling will be refused if it causes material harm due to overlooking. It is also contrary to the Framework, which requires a high standard of amenity through good design¹.

Conclusion

12. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

¹ Paragraph 130f).