



Appeal Decision

Site visit made on 17 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal Ref: APP/H1515/W/23/3317799

10 St Ninians, Alexander Lane, Hutton, Essex CM13 1AG

- 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 Nick Dawson against the decision of Brentwood Borough Council.
 - The application Ref 22/01633/FUL, dated 21 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is balcony extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Enforcement action has previously been taken at the site, against the unauthorised erection of a balcony. The party's views are not aligned as to whether or not the requirements of the enforcement notice have been fully complied with. However, the parties agree that the appeal scheme is a separate proposal that is materially different to the unauthorised development. I have determined the appeal on this basis and on its own merits.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the host building and area; and
 - the effect of the proposal on the living conditions of neighbouring residents on Rayleigh Road, having regard to privacy.

Reasons

Character and appearance

4. The appeal property is on the third floor of an apartment block which, in turn, is located within the urban area of Hutton. The site lies adjacent to other apartment blocks including Grasmere and The Junction. Further apartment blocks at Sheldon Court and 32 Rayleigh Road back onto the appeal site.
5. A private parking area lies to the rear of the appeal property, which also provides access to some dwellings. The parking area borders other car parking sites to the rear of the Junction, Sheldon Court, and 32 Rayleigh Road as well as a car-servicing yard. It also borders the gardens and amenity spaces that

serve Grasmere and 34 Rayleigh Road. The rear gardens of other properties lie further away beyond the site boundary.

6. The rear elevation of St Ninians currently includes Juliet balconies at first and second floor level. The host dwelling has a recessed balcony that is tucked beneath the roof pitch and therefore sits within the envelope of the building. It has a similar appearance to the adjacent Grasmere, which also has a recessed balcony at the upper floor level.
7. The proposal would introduce a projecting balcony structure to the appeal building, which would be a new feature on the rear elevation. Projecting balconies did not form part of the original design of the building. However, the parties agree that they are a common feature in the locality. In that regard, my attention has been drawn to balconies at 32 Rayleigh Road and The Junction, which I observed on my site visit.
8. The appeal proposal would, however, be materially different to the aforementioned balconies. It would have 1.8m high obscured glazed panels to its side elevations, which would extend beyond the height of the roof plane, creating an awkward relationship with the roofline of the host building. The obscured nature of the side panels, along with their height, would cause the balcony to have a boxy appearance that would be at odds with the more subtle features on the existing elevation. Consequently, it would be an unsympathetic addition to the host building.
9. It is common ground between the parties that views from public vantage points would be limited. However, the absence of publicly accessible views does not negate the need to secure high-quality design as it is a clear requirement of policy BE14 of the Brentwood Local Plan 2016-2033 (BLP) and the National Design Guide (NDG). Given its elevated position, and notwithstanding the presence of trees and other vegetation in the locality, the harmful features of the proposed balcony that I have identified above would be conspicuous in views from the gardens and amenity areas of nearby properties, as well as from parking and vehicular circulation areas. Furthermore, the balcony would be visually unattractive and out of character with the host building.
10. For the above reasons, I conclude on this issue that the proposal would cause material harm to the character and appearance of the host building and the area. Therefore, in respect of this issue, it would be contrary to policy BE14 of the BLP, the National Planning Policy Framework (the Framework), and the NDG which, taken together and amongst other things, require development to deliver high design standards and attractive buildings.

Living conditions

11. The existing recessed balcony at the appeal property sits in an elevated position and in close proximity to neighbouring dwellings. Views from the balcony can currently be gained over land to the rear, which includes parking areas and the rear gardens of properties on Rayleigh Road. The presence of upper floor windows and other balcony structures in the locality means that mutual overlooking is a common feature of the area.
12. The proposed balcony would project outwards from the appeal property and would therefore reduce the intervening distance between the site and nearby

- properties. The evidence indicates that some neighbours are fearful that a projecting balcony at the site would result in a harmful loss of privacy.
13. However, the balcony would be erected at a similar height to the existing balcony. Therefore, the proposal would be unlikely to have a material impact, beyond the existing scenario, on overlooking directly to the rear.
 14. Without mitigation, the development could enable additional views over the side elevations of the proposed balcony. However, these views would be severely restricted by the proposed obscured glazing to the sides of the balcony which could be secured through condition. Moreover, any residual views to the sides would predominately be towards parking areas and vehicular circulation space and would not result in a material loss of privacy to neighbouring residents.
 15. For the above reasons, I conclude on this issue that the proposal would safeguard the living conditions of neighbouring residents on Rayleigh Road having regard to privacy. Therefore, in respect of this issue, the development would be in accordance with policy BE14 of the BLP, and the Framework, insofar as they expect development to avoid unacceptable overlooking or loss of privacy, and to safeguard the living conditions of adjacent residents.

Other Matters

16. The proposal would increase the quantity of external amenity space for the occupants of the host dwelling. This could lead to an improvement in living standards for the occupants, particularly where residents may be spending more time at home and may be working from home. However, I have limited information before me to indicate that the existing dwelling provides insufficient external amenity space. Therefore, I attach limited weight to this benefit.

Conclusion

17. The proposal would conflict with the development plan, when read as a whole. There are no material considerations before me that indicate a decision should be taken otherwise than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

E Catcheside

INSPECTOR