



Appeal Decision

Site visit made on 9 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/R2520/D/23/3331035

44 Poppy Road, Witham St Hughs, Lincolnshire, LN6 9YJ

- 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 J White against the decision of North Kesteven District Council.
 - The application Ref 23/0907/HOUS, dated 21 July 2023, was refused by notice dated 26 September 2023.
 - The development proposed is balcony to first floor living space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement refers to a brick-built balcony structure projecting 1410mm from the front elevation of the building. The plans provided and refused by the Council relate to a steel framed balcony structure that would project 1200mm from the front elevation. I have determined this appeal based upon the drawings that were considered and refused by the Council.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) the living conditions of occupiers of No.51 Poppy Road, with regard to privacy.

Reasons

Character and appearance

4. The appeal property comprises a first floor flat located above a garage and access road. The flat, the adjoining properties to the east, and those opposite, front onto a wide pedestrian footpath route, with gardens and soft landscaping to either side, which create an open vista through the area.
5. Although the site is located within a modern housing estate, the surrounding buildings are of traditional design and are constructed in traditional materials. The pedestrianised section of the street is similar in character to that of a mews development.
6. I acknowledge that the building and roof lines are slightly staggered. However, there are no large projections forward of the front elevations, only modest storm canopies and low boundary walls. The proposed balcony, due to its projection from the front elevation, its modern chunky steel frame and semi

frosted glazing panels, would appear as a prominent and incongruous feature in the streetscene.

7. I therefore conclude that the proposal would harmfully detract from the character and appearance of the area, contrary to Policy S53 of the Central Lincolnshire Local Plan 2023 (the Local Plan). This policy requires, amongst other things, that all new development contributes positively to local character in terms of context, identity and built form. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework (2023) and sections C1 and I1 of the National Design Guide, which promote high quality design that relates well to the site and its wider context and responds to local character and identity.

Living conditions

8. The balcony is proposed to replace an existing Juliet balcony that serves a first-floor kitchen and living room area. Accordingly, occupiers of the flat can already sit for long periods of time in front of the glazed double opening doors and enjoy views out over the street and the rear garden of No.51 Poppy Road. Adjoining properties also have first floor windows that overlook the rear garden of No.51.
9. Given the limited space that would be created by the proposed balcony, sitting in front of rather than behind the existing clear glazed opening would not significantly change the oblique views across the street and into the rear garden of No.51.
10. I therefore conclude that the proposal would not adversely affect the living conditions of occupiers of No.51 Poppy Road, with regard to increased loss of privacy. As such I find no conflict with Policy S53 of the Local Plan in so far as it relates to the need to avoid harm to the amenity of people occupying neighbouring development, in terms of overlooking.

Other Matters

11. The appellant makes reference to building operations that could be undertaken under permitted development rights. However, flats do not benefit from permitted development rights and nor do proposals relating to balconies or front extensions, other than small porches.

Conclusion

12. Whilst I have concluded that the proposal would not result in harm to the living conditions of occupiers of No.51 Poppy Road, it would detract from the character and appearance of the area. There are no material considerations before me that would outweigh this harm. Accordingly, for the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR