

Appeal Decision

Site visit made on 8 May 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2024

Appeal Ref: APP/W0340/D/24/3336485
95 Home Straight, Newbury, RG14 7WU

- 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 W McGuire-Brown against the decision of West Berkshire District Council.
 - The application Ref 23/02093/HOUSE, dated 4 September 2023, was refused by notice dated 22 December 2023.
 - The development proposed is to fit balcony to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted to fit balcony to front elevation at 95 Home Straight, Newbury, RG14 7WU in accordance with the terms of the application, Ref 23/02093/HOUSE, dated 4 September 2023, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 3914 Aug 2023 with proposed ground floor plan, first floor plan, front elevation & side elevation along with amended drawing showing site and block plans.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is a two-storey terraced home with first floor living accommodation and a garage under. It is on a recent extensive new housing area of primarily two and three storey homes usually in terraced form. The proposal is for a black painted wrought iron balcony to protrude in front of existing double doors which presently have a Juliet balcony.
 4. The Council has no concerns over the character and appearance of the proposed structure; not least because similar balconies are evident in relative proximity. I would agree on that perspective. The Council is, however, concerned that given the separation distance between the proposed balcony
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and the first-floor windows of the property across the road is under 21 metres there would be privacy and actual and perceived overlooking issues and hence disturbance to amenity presently enjoyed. The Council cites the guidance adopted in House Extensions SPG (2004) (SPG) and Quality Design SPD (Part 2, 2006) (SPD) and most particularly the latter which calls for 'separation' distances of 21 metres minimum.

5. In my opinion the 21-metre guidance has to be seen as just that; *guidance*, and individual circumstances need to be considered on a case-by-case basis. In this instance the 'across the street' distance is substantial, main windows of the properties opposite are modest, there already exists a double-door upper-floor front facing arrangement on the appeal property, and the appeal property's set-back to its neighbour would mean the proposed balcony would be subtly sited and not prominent from within or the front door area of the facing dwelling. In these circumstances I consider it entirely reasonable to allow for a degree of flexibility in terms of the 21 metres which, as it happens, I do note is used for a rear-to-rear diagram in the SPD. In my experience people are more comfortable with tighter front to front spacing and privacy protection and potential overlooking criteria become less important in residents' ranking of residential amenity or expectations generally. Having said that I see no material degree of intrusion from the appeal scheme in any event.
6. Policy CS14 of the West Berkshire Core Strategy (2006-2026) is pertinent. It underlines that high quality design should prevail and through this there should be a positive contribution to the quality of life for local people with inherent protection of residential amenity. I conclude that there would be no conflict with this policy. The appeal scheme would also not run contrary to the *objectives* of the SPG and SPD, documents which, in any event, cannot be expected to cover every eventuality in detail.

Conditions

7. The Council suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans; I agree with this, to provide certainty. I see no need for the suggested condition that materials should be as per the application form as that is a pre-requisite of development in any event.

Overall conclusion

8. For the reasons given above I conclude that the appeal proposal would not have an unacceptable effect on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond
INSPECTOR