



Appeal Decision

Site visit made on 24 July 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/W0340/D/24/3343209

8 Theobald Drive, Tilehurst, Reading, West Berkshire RG31 6YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Puneet Sehgal against the decision of West Berkshire Council.
 - The application Ref is 23/02892/HOUSE.
 - The development is the retention of an existing front balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of an existing balcony at 8 Theobald Drive, Tilehurst, Reading, West Berkshire RG31 6YA in accordance with the terms of the application, Ref 23/02892/HOUSE and the plans submitted with it.

Procedural Matter

2. The Council's reason for refusal refers to the Quality Design West Berkshire Supplementary Planning Document, Part 2: Residential Development (2006). Given that this relates to residential development, rather than householder schemes, I have attached limited weight to this in considering the appeal.
3. On my site visit I viewed the proposal from the garden of No.9 Theobald Drive.

Main Issue

4. The main issue is the effect of the balcony upon the living conditions of the occupiers of No.9 Theobald Drive, in respect of privacy.

Reasons

5. Planning consent has previously been granted for a balcony to the front of the appellant's house which included a privacy screen to the side elevation. The balcony has since been constructed without the privacy screen. The appeal scheme seeks consent for the existing balcony without the privacy screen.
6. The appeal scheme is a small shallow balcony. The submitted plans indicate that it measures around 2.8 metres in width and 1.2 metres in depth. On this basis, the scope for its use is limited. On my site visit I observed that there is only sufficient space to accommodate a small table and two chairs on the balcony and it is unlikely that more than two people would occupy it at any one time.

7. Neighbouring property, No.9 Theobald Drive, includes an attractive side garden, which is at a lower ground level than the appeal site. Given that the balcony is located on the front elevation of the appellant's home, and set away from the boundary, views into the side garden of No.9 are predominantly oblique. Also, given the limited space on the balcony to arrange seating, occupiers would be likely to face forward to take advantage of wider views, rather than orientating themselves to look into the neighbours' garden. As such, the level of overlooking does not harm the privacy of the neighbouring occupiers.
8. Additionally, views into the side garden area of No.9 are obscured by a significant landscape buffer. This includes a mixture of mature and semi-mature trees and shrubs. I note concerns that the vegetation could be removed if consent is granted for the balcony without the screen. The Council considers this would unacceptably harm the privacy of the neighbouring occupiers. However, given that there is landscaping on both sides of the boundary, it is unlikely that this buffer would be completely removed. Notwithstanding, even if the landscaped buffer were not present, given the position, size and orientation of the balcony, it would not give rise to an unacceptable level of overlooking of the neighbours' side garden.
9. The vegetation between the properties is a mixture of deciduous and evergreen species. I acknowledge that my visit was in the summer months when the level of vegetation was at its peak and at other times of the year the level of screening would be less. However, both the level of usage of the balcony and the neighbours' side garden would be likely to be less during the autumn and winter months. In any event, I have found that the balcony would not unduly affect the neighbours' privacy even if the landscape buffer was not present.
10. For the reasons given, I conclude that the balcony without the privacy screen does not unduly harm the living conditions of the adjacent occupier of No.9 Theobald Drive, in terms of loss of privacy. Consequently, there is no conflict with Policies CS14 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (2012) and the House Extensions SPG (2004). Taken together, these seek to secure high quality design which protects the living conditions of residents.

Other Matters

11. I have considered several matters raised by local residents in opposition to the appeal scheme.
12. I accept that there are views of the front garden of the neighbouring property, No.9, from the balcony. However, this is a front garden which is visible within the wider public realm. The Council does not raise any concerns in this respect, and I have no reason to disagree. Therefore, this matter is not determinative in the consideration of this appeal.
13. Concerns are raised that the balcony is not in-keeping with the character and appearance of the host dwelling and area. However, the Council previously granted planning consent for a similar structure at this location and therefore considers the balcony to be acceptable in this respect. Again, I have no reason to disagree with this assessment and therefore this matter is not determinative in the consideration of this appeal.

14. Concerns are expressed regarding matters which fall outside the consideration of this appeal. These include noise disturbance from an existing water feature and the brightness of security lighting. I attach negligible weight to these matters in considering this scheme.

Conditions

15. The Council suggests conditions in respect materials and approved plans. Given that the balcony has already been constructed, these conditions are unnecessary.

Conclusion

16. For the reasons given, and taking into account all matters raised, the appeal is allowed.

Rebecca McAndrew

INSPECTOR