



Appeal Decision

Site visit made on 12 November 2024

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/B3438/D/24/3345097

278 Bemersley Road, Brown Edge, Staffordshire, ST6 8UL

- 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 Lee Griffin against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0511.
 - The development is the construction of new and additional balustrading to balcony over garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of new and additional balustrading to balcony over garage at 278 Bemersley Road, Brown Edge, Staffordshire, ST6 8UL, in accordance with the terms of the application, Ref SMD/2023/0511, and those plans submitted with it that are referred to in the condition below.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: new east and west elevations; new front and rear elevations; new ground floor.

Procedural Matters

2. The balustrading has already been constructed and so the application is of a retrospective nature. The balustrading plan submitted with the application shows the balustrade in the wrong position at the front of the house. However the detailed drawings referred to in the decision section above show it accurately, and it is these drawings that I have used in my deliberations.

Main Issues

3. The main issues relevant to this appeal are:
 - Whether the works are inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework).
 - The effect of the balustrade on the living conditions of the occupiers of the neighbouring No 276 by way of privacy and noise.

Reasons

4. No 278 is a semi-detached house situated in open countryside on the eastern side of Bemersley Road, around 1.5 km west of the village of Brown Edge and around 500m north of the village of Ball Green. It is a part two-storey, part

single-storey dwelling with an attached flat-roofed garage at a lower level to the eastern side. There is a balustrade around the roof of the garage with access from doors in the side elevation of the house, thereby creating a balcony above the garage. The appeal site lies within the Green Belt.

Green Belt

5. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions, one of which is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
6. In this case, the garage has a forward extension of around 3 metres. The extension was apparently constructed without planning permission but has now become lawful because it has been in place for over 4 years. I have no further information regarding any other significant additions or extensions to the original house. The roof of the original garage had railings around which enabled it to be used as a balcony. The current application refers to the addition of a balustrade above the new portion of the garage only. On this basis, I find that the limited additional balcony area formed by the extended balustrade would not represent a disproportionate addition or extension to the house, even when added to the small extension to the garage below, and I therefore find that it would not be inappropriate development in the Green Belt.

Living conditions

7. The Council contends that the proposed balustrading would result in loss of privacy to the front garden area and principal windows at No 276, as well as the perception of overlooking and general disturbance from movement and people at an elevated level. However, due to the low-level nature of the garage at the appeal property, the balcony is at approximately the same level as the front gardens at both properties and would not appear as being at an elevated level. It is some 8 metres from the boundary with No 276 and, by reason of both distance and levels, would not result in any effective increase in overlooking and, therefore, loss of privacy to the occupiers of that dwelling.
8. No 276 has a front porch/conservatory 3 metres deep with a patio area to the front of that, and a hedge to the boundary with No 278. No 278 also has a patio area to the front of the house. The balcony formed by the extended balustrade is further away from the neighbouring property and, in my opinion, is less likely to cause noise and disturbance to the porch/conservatory or front windows than the existing patio, which is at the same level and close to the boundary hedge. Both properties have patios to the front which appear to be well used, and I have no information to suggest that there has been any loss of residential amenity to the occupiers of either house caused by this arrangement.
9. In conclusion on this matter, I find that the balustrade and associated balcony area would not unacceptably harm the living conditions of the occupiers of the neighbouring No 276 by way of privacy or noise. On this basis, it would not conflict with Policy DC1 of the Staffordshire Moorlands Local Plan, which requires new development to respect the site and its surroundings, and to protect the amenity of an area, including residential amenity

Other Matters

10. There have been objections from third parties that the balustrade is out of character and unattractive, and that the site plan does not accurately show the scale of the garage. I have dealt with the issue of plans above and I am satisfied that the detailed drawings on which I have based my considerations are accurate. In addition, the current wooden balustrade, which appears to be of good quality materials and design, is an extension to an earlier metal version. I do not consider that the balustrade, as now constructed, is significantly different in character or scale to that which previously existed, and is not harmful to the character or appearance of its surroundings.

Conditions

11. The appeal is retrospective. However, as set out above, only some of the submitted drawings are accurate to what has been constructed on site. I therefore have added a plans condition for certainty.

Conclusion

12. I find that the balustrade is not inappropriate development in the Green Belt, nor does it result in any significant harm to the living conditions of the occupiers of the neighbouring No 276 by way of privacy and noise.. Accordingly, I allow this appeal.

J D Westbrook

INSPECTOR