
Appeal Decision

Site visit made on 18 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/A1530/D/24/3350344

Dunoon, 3 Cross Way, West Mersea, Colchester, Essex CO5 8HW

- 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 S Bloyce against the decision of Colchester City Council.
 - The application reference is 241050.
 - The development is the proposed extension of the existing rear first floor balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed extension of the existing rear first floor balcony at Dunoon, 3 Cross Way, West Mersea, Colchester, Essex CO5 8HW in accordance with the terms of the application reference 241050, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and proposed plans and elevations, location and layout plan – Drg No 01

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing balcony.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the host building and local area; and b) the living conditions of the occupants of neighbouring residences in respect of overlooking.

Reasons

Character and appearance

3. The appeal site comprises a two-storey, detached dwelling with off-street parking on a driveway to the front. It is located in a cul-de-sac of other residential properties.
 4. The appeal property includes an existing first floor balcony that looks out over the rear garden and countryside beyond. It is of diminutive scale, with very limited views of the development from the public domain or the amenity spaces of surrounding residences, primarily 4 Cross Way.
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5. Whilst the proposal would enlarge the balcony, to all intents and purposes only the south-facing privacy screen would become more immediately evident from the garden of 4 Cross Way. Nonetheless, the extent of this screen would be modest, and an adequate separation distance between the houses would remain.
6. From further afield, the glazed appearance of the balcony would not appear overly prominent or discordant, being set against the backdrop of the built form of the main dwelling. I am therefore satisfied that it would assimilate with the house and its setting.
7. Consequently, I conclude that the scheme would not result in a detrimental impact upon the character and appearance of the host building and local area. It would comply with Policies DM13 and DM15 of the Colchester Borough Local Plan 2022 (LP), which seek to secure development of an acceptable scale and design. It would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

8. The position of the proposed balcony relative to no.4 Cross Way would allow for the overlooking of the rear garden of this neighbouring property. However, the inclusion of appropriately-placed obscure glazed screens would provide privacy for both users of the balconies and neighbouring occupiers.
9. The development would create views over the very end of the long rear gardens belonging to dwellings on East Road, still such areas are less sensitively located than, for example, patios immediately to the rear of habitable rooms. To my mind, the impact would not be so harmful as to warrant a refusal of permission on this ground. There would also be direct overlooking of the agricultural land to the east, however this is not residential amenity space and as such I afford any concerns limited weight.
10. I find that there would be no adverse effect upon the living conditions of the occupants of neighbouring residences in respect of overlooking. The scheme would meet Policies DM13 and DM15 of the LP and the Framework in relation to the protection of amenity.

Conditions

11. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing balcony would provide for a satisfactory appearance.

Conclusion

12. Given the above arguments and all other issues, I allow the appeal.

C Hall

INSPECTOR