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## Appeal Decision

Site visit made on 14 January 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

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**Appeal Ref: APP/F2605/D/24/3354248**

**Waterside, Church Road, Beetley, Norfolk NR20 4AB**

- 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 Mark Jordan against the decision of Breckland Council.
  - The application reference is 3PL/2024/0711/HOU.
  - The development proposed is creation of balcony area and installation of a safety balustrade system to an existing flat roof (3m x 3m).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development provided by the appellants on the application form contained extensive text which did not relate to an act of development. The Council changed the description of the development to “Creation of balcony area and installation of a safety balustrade system to an existing flat roof (3m x 3m)”. On the basis of the evidence before me this accurately describes the development proposed and so I have used this description in my banner heading.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of occupiers of Allestree House, with particular reference to privacy.

### Reasons

5. Waterside is a two-storey detached dwelling house, fronting Church Road, lying within a generous plot. The building is set back from the street by a substantial front garden and has a large garden to the rear. The adjacent dwelling house to the south, Allestree House, is likewise located within a plot of comparable size. There is a fence between Waterside and Allestree House, which provides a degree of privacy between the gardens of the two dwellings.

6. The proposed development would result in a glazed balustrade around the flat roof of a single storey side extension. This would allow the roof of the extension to be used as a balcony, accessed at second floor level through an existing door.
7. Anyone sitting or standing on the proposed terrace would be able to look over the existing fence over extensive areas of the rear garden of Allestree House, including the patio immediately adjacent to the house and a fully glazed garden room. Persons on the flat roof would be clearly visible from those areas.
8. Whilst there is already access to the flat-roofed area, the lack of a balustrade would make its use as a balcony more practicable and safer. There is no evidence before me to demonstrate that the use of the flat roof as a balcony has been granted by the Council. The installation of the balustrade would thus be likely to increase the frequency of access and thereby the degree of overlooking.
9. I therefore find that the proposal would result in an unacceptable increase in both surveillance and the perception of surveillance of the private garden of Allestree House with a corresponding loss of privacy to its occupants. This would be harmful to the residential amenity of the neighbours and this harm carries significant weight against granting planning permission.
10. I note that the appellant asserts that the current occupiers of Allestree House have voiced no concerns regarding the proposal. However, the harm that I have identified above would be permanent and experienced by future occupiers of the property.
11. I therefore conclude that the development would result in harm to the living conditions of the occupiers of Allestree House with regard to privacy. The development would, therefore, be contrary to the aims of policy COM03 of the Breckland Local Plan (2023) in as much as this, amongst other things, seeks to ensure that new development does not cause unacceptable effects on the residential amenity of neighbouring occupants.

### **Other Matters**

12. I note the concerns of the appellants regarding the existing arrangement, with a door from a bedroom currently occupied by children giving onto a flat roof with an unprotected drop. I further note the use of the door as a means of escape from the upper floor in the event of fire. However, it has not been demonstrated that the proposal is the only means of addressing these issues. Accordingly, I give this limited weight in my deliberations.
13. The appellant has identified that balconies of similar design exist across Norfolk. This, however, does not justify the harm that I have found in this particular case.

### **Conclusion**

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

*I A Dyer*

INSPECTOR