



Appeal Decision

Site visit made on 23 September 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2025

Appeal Ref: APP/H1515/W/25/3368817

10 St Ninians, Alexander Lane, Hutton, Essex CM13 1AG

- 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 Dawson against the decision of Brentwood Borough Council.
 - The application Ref is 24/01047/FUL.
 - The development proposed is described as “Proposed Balcony Extension at Flat 10, St Ninians, Alexander Lane, Hutton, CM13 1AG”
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Decision

1. The appeal is allowed and planning permission is granted for a balcony extension at 10 St Ninians, Alexander Lane, Hutton, Essex CM13 1AG in accordance with the terms of the application, Ref 24/01047/FUL, 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 drawing nos ‘Location Plan’ 13/23/01 Rev. A and ‘Proposed Floor Plans & Elevations – Flat 10’ 13/23/11 Rev. B.
 - 3) The external materials of the development hereby permitted shall be in accordance with those specified on the application form.

Preliminary Matters

2. For clarity, I have amended the description of the proposal in my formal decision above to omit words that do not relate to an act of development.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of neighbouring occupiers with particular regard to privacy; and
 - if mitigation measures are required in respect of the effect of the development on the living conditions of neighbouring occupiers, the effect of those measures on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal site relates to a property on the third floor of an apartment block, located in a predominately residential and relatively dense urban area where there is a mix of

apartment blocks and individual dwellings. The site lies adjacent to other apartment blocks including Grasmere and The Junction. Sheldon Court and 32 Rayleigh Road also back onto the appeal site. A private parking area lies to the rear of the appeal building which borders other car parking sites and the private gardens of properties along Rayleigh Road.

5. The rear elevation of the appeal building contains Juliet balconies at first and second floor level. The host dwelling is situated on the third floor and has a recessed balcony tucked beneath the roof pitch which sits within the envelope of the building. This affords views over the land to the rear, which includes parking areas and residential gardens. Other balconies can be seen in the surrounding area. The presence of such structures as well as other upper floor windows in the area means that mutual overlooking is not uncommon.
6. The proposed development would extend the existing recessed balcony to project approximately 0.9m from the façade of the building, enclosed on all sides by approximately 1.1m high railings. Given the existing balcony already affords views over land directly to the rear of the appeal building, the development would be unlikely to have any greater overlooking effect beyond the existing scenario in this direction.
7. The additional projection proposed would enable more wider reaching views to the sides of the proposed balcony to be achieved. However, as these views would largely be over parking areas, vehicle circulation spaces or land already overlooked by upper floor balconies and windows, this would not result in any harmful overlooking or material loss of privacy to neighbouring residents. Private residential gardens are located to the south-east of the site to the rear of properties on Rayleigh Road. However, given the degree of separation from the proposed balcony and the existing relationship between these properties and upper floor windows in the appeal building, the development would not result in any adverse overlooking effect on these gardens either. As such, mitigation screening would not be necessary.
8. The Council has drawn my attention to a previously dismissed appeal¹ at the site. However, this related to a balcony of a larger scale and different design which was dismissed due to the effect of the development on the character and appearance of the host building and area. I note the Council's reference to the Inspectors discussion on living conditions. However, from my reading of the decision the Inspector did not conclude that mitigation would be necessary to address any identified overlooking effects. Instead, they concluded that the proposed obscure glazing to the balcony would severely restrict views, but any residual views would nevertheless be largely over parking areas and would not result in a material loss of privacy to neighbouring residents. The appeal scheme also proposes a balcony of a reduced projection than in the previous appeal.
9. For the above reasons, I therefore conclude that the development would not result in harm to the living conditions of neighbouring occupiers, with particular regard to privacy. This complies with Policy BE14 of the Brentwood Local Plan 2016-2033 insofar as it expects development to avoid unacceptable overlooking or loss of privacy, and to safeguard the living conditions of adjacent residents. It also accords with paragraph 135 of the National Planning Policy Framework which expects a high standard of amenity to be achieved for existing users and the National Design Guide (2021) insofar as maintaining privacy is considered a tenet of good design.

¹ APP/H1515/W/23/3317799 dated 27th November 2023

10. As I have found that the development would be acceptable as shown on the proposed plans and without the requirement for any additional privacy screening, it is not necessary for me to consider the effects of such mitigation measures on the character and appearance of the surrounding area. For the avoidance of doubt, I note the Council raised no concerns in relation to the design of the balcony itself and its effect on the character and appearance of the area in the absence of such screening.

Other Matters

11. In addition to matters addressed above, I note concerns raised by interested parties in relation to the previous planning history at the site. However, this appeal follows the Council's formal decision, and I have assessed this proposal on its own merits.

Conditions

12. The Council has suggested several conditions which I have considered in light of the advice in the Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision.
13. In addition to the standard three-year time limit condition for implementation, I have imposed a condition that defines the approved plans in the interests of certainty. I have also imposed a condition requiring the materials to be as specified on the planning application form in the interests of the character and appearance of the building and area. However, I have not imposed the Council's condition relating to privacy screening as I have not found this to be necessary to make the development acceptable.

Conclusion

14. For the reasons given above the appeal should be allowed.

H Whitfield

INSPECTOR