



Appeal Decision

Site visit made on 22 September 2009

by **Simon Berkeley BA MA MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
30 September 2009

Appeal Ref: APP/H0738/D/09/2109021
418 Thornaby Road, Thornaby, Stockton-on-Tees TS17 8QH

- 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 Hall against the decision of Stockton-on-Tees Borough Council.
- The application reference 09/0609/FUL, dated 13 March 2009, was refused by notice dated 24 June 2009.
- The development proposed is described on the application form as a retrospective application for a balcony (first floor) to rear of existing dwelling.

Decision

1. I dismiss the appeal.

Procedural matter

2. The form indicates that the appeal is against the Council's decision to refuse a 'reserved matters' application. However, it is clear from the appeal documents that full planning permission is sought. I have dealt with it on that basis.

Main issue

3. The main issue is the effect of the balcony on the living conditions in the rear gardens of neighbouring properties on Thornaby Road and The Green, in terms of privacy.

Reasons

4. The appeal property is between number 416 and number 420, and forms a semi-detached pair with the latter. It has an extension to the rear, where the balcony for which permission is now sought has already been installed, off a first floor bedroom.
 5. On my site visit, I stood on the balcony. It is positioned away from the boundary with number 416. Nonetheless, the rear garden of that neighbouring property is not distant. Because of its height, the balcony gives uninterrupted views into it, including to the decked portion forming the main sitting out area. Near to the boundary with number 420, the balcony also overlooks a substantial portion of that rear garden, in close quarters.
 6. Though none have been erected, the application plans indicate that screens are proposed to each side of the balcony. This would lessen the current levels of overlooking, to some degree. Nevertheless, parts of both neighbouring gardens would remain readily visible, and would not be as private as their
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occupiers would reasonably expect. In short, the balcony has significantly reduced the levels of privacy in the rear gardens of both neighbouring houses, and the introduction of side screens would not satisfactorily overcome this. To my mind, its overall impact is unacceptably intrusive, and should not be allowed.

7. It is possible to see into the rear garden of number 416 from two facing windows in this bedroom. This relationship is not dissimilar to that commonly found in conventional housing layouts, and is generally accepted. But it seems to me that the balcony is different in this respect. The more perceptible, immediate presence of someone on it would be more invasive, and a greater intrusion on the privacy of those occupying the neighbouring garden.
8. I therefore conclude that the balcony, even with side screens, would harm the living conditions in the rear gardens of 416 and 420 Thornaby Road, in terms of privacy. This would conflict with the underlying aims of Policy GP1 of the Stockton-on-Tees Local Plan. This seeks to avoid harmful effects on the amenities of the occupiers of nearby properties.
9. The reason for refusal refers to similar impacts in other neighbouring gardens. However, these are significantly more distant from the balcony, and intervening trees limit the extent to which they can be seen from it. Put simply, the views to those gardens would not be so close or infiltrating so as to cause a significant problem. I consequently conclude that the living conditions there would not be materially harmed.
10. I acknowledge neighbours' concerns about views from the balcony to the inside of their homes. Those with the most directly facing windows are the houses on The Green, and the distance involved prevents any visual penetration into the rooms behind them. The windows at numbers 416 and 420 can only be seen very obliquely from the balcony. On the whole this, along with reflections on the glass, thwarts observation of those homes' interiors. The proposed screen and angle involved would make it rather difficult to see into the conservatory at number 416. Nevertheless, an absence of harm in relation to these matters does not address my concerns in respect of the rear gardens of numbers 416 and 420, or justify allowing the appeal.
11. It may be that the balcony would provide an additional exit from the house should an emergency arise. However, I have no evidence to suggest that new emergency exits are needed in the property. In any event, this is insufficient to outweigh the harm I find the balcony causes.
12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Simon Berkeley

INSPECTOR