



Appeal Decision

Site visit made on 26 October 2009

by **Anthony Lyman BSc(Hons) DipTP**
MRTPI

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

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Decision date:
10 November 2009

Appeal Ref: APP/H0738/A/09/2109903
1d, South View, Eaglescliffe, Stockton-on-Tees, TS16 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Ian Peerless against Stockton-on-Tees Borough Council.
- The application Ref 09/0784/FUL is dated 29 March 2009.
- The development proposed is enclosing an existing first floor balcony area with double glazed windows.

Decision

1. I dismiss the appeal.

Procedural matter

2. The above description of the proposed development is taken from the application form. However, I note from two previous appeal decisions that the area which the appellant claims as 'existing first floor balcony', that he wishes to enclose, is not authorised, and that the approved existing first floor balcony covers a significantly smaller area. For the purpose of this appeal I will regard the development as the extension of existing balcony and the enclosure of the enlarged area with double glazed windows.

Main issues

3. The main issue relating to this appeal is the effect of the proposed development on the living conditions of neighbours.

Reasons

4. The appeal property is a modern detached house which has a large ground floor bay window, centrally positioned on the rear elevation. The proposal is to enclose the flat roof of the bay window with seven, almost full length double glazed panels to create in effect a first floor conservatory/sun room. Access to the room would be from two rear bedrooms via existing side doors which are intended to give access to the approved, narrow, recessed balcony.
 5. Previously, the appellant had extended the balcony to cover the entire bay roof, with the erection of a balustrade. However, two subsequent appeals relating to this development have been dismissed on the grounds of unacceptable overlooking of neighbouring properties. To address the most serious overlooking, the appellant has proposed that the glass panels nearest
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to 1c South View would be obscure glazed to eliminate any views into that property.

6. I note that the previous Inspector considered that the views towards the rear gardens of 5 Croft Road and 3 Westlands Road were obscured to varying degrees by vegetation and existing garden buildings and that the loss of privacy in these gardens was not as great as for 1c South View.
7. Nevertheless, whilst I concur with this observation, I consider that the potential use of the proposed 'sun room' would be significantly greater than an open balcony, and could in fact be used throughout the year, including during the winter months when screening vegetation, other than conifers, would be minimal. The height of the proposed room, together with the almost full length windows projecting about 1.2m from the rear wall of the building and spanning over 4m in width, would create an expanse of glass from which views into some neighbouring premises, across the appeal property's short rear garden, would be inevitable.
8. In his response to the Council's suggestion to raise the height of the window sills in the sun room, the appellant acknowledges this overlooking by stating, "Even when sitting, it would not obscure any of the views into the neighbouring gardens". Furthermore, I consider that even where views would be partially obscured, the perception of being overlooked from such a prominent first floor feature, potentially in daily use, would harm the amenity of some residents.
9. On my site visit, the appellant drew to my attention a recently installed full length, first floor, rear window in a nearby property in The Crescent. However, this was a relatively narrow window and has not, in my opinion, set any sort of precedent for the significantly larger appeal proposal before me.
10. Planning Policy Statement 3 – Housing, (PPS3) states that high quality design in residential development should contribute to making places better for people and that design which is inappropriate in its context should not be accepted. Policy GP1 of the Stockton-on-Tees Local Plan (SLP) requires proposals for development to be considered, amongst other things, in relation to their effect on the amenities of occupiers of nearby properties. Policy HO12 of the same document requires extensions to properties to avoid significant loss of privacy and amenity for the nearby residents.
11. I conclude that the proposed development would cause material harm to the living conditions of some local residents, particularly those in Croft Road and Westlands Road. This would be contrary to the provisions of PPS3 and Policies GP1 and HO12 of the SLP.
12. Therefore for the reasons given and having had regard to all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR