



Appeal Decision

Site Visit made on 20 May 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2021

Appeal Ref: APP/H0738/D/21/3269102

5 Mainside, Redmarshall, Stockton-on-Tees TS21 1HY

- 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 Mrs Kellie Daly against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 20/2557/FUL, dated 18 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is described as minor alteration to existing rear dormer to provide French windows and nominal balcony to bedroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 4 and 6 Mainside with regard to privacy and overlooking.

Reasons

3. The appeal property is a two-storey detached dwelling. It is located in a small village that is predominantly made up of residential properties of various styles and sizes.
4. The proposed balcony would be created through the alteration of an existing dormer window at the first-floor level of the rear of the property. It would overlook, and be clearly visible from, the rear gardens of 4 Mainside and 6 Mainside. Due to its siting and elevated position, the proposed balcony would result in a significant loss of privacy and an unacceptable level of overlooking of the garden of 4 Mainside. Due to the rear garden of 6 Mainside being further away from the proposed balcony at the appeal property, and at a more oblique angle, I find that the effect on that property to be less harmful.
5. Although the proposed balcony would not be of a size sufficient to allow seating, it would nevertheless be permissible to stand at the balustrade where wide ranging views over the rear gardens of properties either side would be permissible.
6. The appellant considers that the impact of the development would be no different than the current view from the bedroom window. Whilst I acknowledge that it is possible to see into the gardens of neighbouring properties, the proposed development, projecting forward of the window would

allow for unobstructed and wider ranging views from an elevated position, and would invite occupants of the appeal property to stand at the balustrade. It would, without doubt, increase the perception of overlooking to the rear gardens of properties either side.

7. I acknowledge that not all of the garden of 4 Mainside would be overlooked from the proposed balcony with some sections being unaffected by the proposal. I do not however consider that the occupants of 4 Mainside should feel confined to part of their garden due to the harmful effect of the proposal which I have identified. On my site visit I observed that the part of the garden that would experience the greatest impact was lawned with border planting suggesting it was a well-used part of the garden.
8. I therefore conclude that the proposed balcony would cause significant harm to the living conditions of occupants of 4 Mainside, and to a lesser extent 6 Mainside, with regard to privacy and overlooking. It would be contrary to Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) which collectively seek to ensure that development does not result in significant loss of privacy and amenity for the residents of neighbouring properties.
9. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

10. The appellant has referred to the Council's assessment of the application which did not include taking measurements or accurate pictures. There is nothing to suggest that the Council were not fully aware of the proposed development before them. Either way, these matters do not provide reasons to allow the appeal, which I have considered based on the evidence before me and what I saw on my site visit.

Conclusion

11. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR