



Appeal Decision

Site visit made on 28 October 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/H0738/D/21/3282642

45 Infinity View, Stockton-on-Tees, TS18 2FN

- 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 David Walker against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/0854/FUL, dated 22 March 2021, was refused by notice dated 3 September 2021.
 - The development proposed is proposed new balcony at first floor level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i. The character and appearance of the area
 - ii. The living conditions of the occupiers of neighbouring properties, with particular regards to privacy.

Reasons

Character and Appearance

3. The area around the appeal site includes a variety of dwelling styles, many of which include balconies, this is not restricted to those facing directly on to the River Tees.
4. I saw at the site visit that the appeal property occupies a prominent position on the corner of Infinity View and Millennium Drive. The front elevation of the appeal property projects forward of that of the attached properties and the roof is orientated on a north-south axis creating a bookend to this part of the street.
5. The proposed balcony would, as shown on the submitted plans, project forwards of the existing front elevation at first floor level above the existing driveway, by some 1.8m. 'Frosted' glass panels are shown to the sides of the proposed balcony.
6. The Appellant details that the proposed balcony has been conceived to take advantage of the views of the River Tees that the property currently enjoys and closely mimics the existing balconies found nearby.
7. However, those balconies that I saw were carefully incorporated into the properties and street scene. In particular I note that the submitted plans show

a void under the proposed balcony in contrast to the properties at the entrance to Millennium Drive where the balconies are situated above integrated garages.

8. As a result of the prominent position of the appeal property and the projection of the proposed balcony into the street scene at first floor level and without the careful integration into the existing property as found elsewhere on the estate, I find that the appeal scheme would appear as a prominent and incongruous feature, harming the character and appearance of the area.
9. Thus, the appeal scheme is contrary to Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan (the LP), that amongst other matters, requires that domestic extensions are "in keeping with the property and the street scene in terms of style, proportion and materials" and Respond positively to the character of the surrounding area.

Living Conditions

10. The proposed balcony would enjoy views towards the River Tees but would also look towards the facing elevation of properties facing directly on to the River Tees and as a result of the projection of the balcony into the street, also views of other public and private spaces.
11. The Council details that the "proposed separation in this instance will be approximately 15 meters", between the proposed balcony and the property directly opposite. I note that Council also acknowledges that this is comparable to existing balcony arrangements found nearby and I have no substantive evidence to the contrary.
12. I saw at the site visit that the balcony overlooks a front street type situation, as opposed to private back gardens. In such situations there is inevitably greater instances of overlooking and the perception of overlooking from windows and general street activity and it is reasonable to expect and benefit from a lower degree of privacy in such circumstances.
13. For these reasons it is my planning judgement that the appeal scheme would not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties, with particular regards to privacy and as such is not contrary to Policies SD3 and SD8 of the LP that seek to protect the living conditions of the occupiers of properties near to new development.

Conclusion

14. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
15. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Mr M Brooker

INSPECTOR