The Planning Inspectorate

Appeal Decision

Site visit made on 29 May 2018

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2018

Appeal Ref: APP/B3438/D/18/3197833
Badgers Croft, 5 Hillside Road, Werrington ST9 0LJ

- 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 Mark Turley against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0001, dated 30 December 2017, was refused by notice dated 26 February 2018.
- The development proposed is the addition of a dining area to the existing kitchen and the addition of a dressing room and balcony to the master bedroom.

Decision

1. The appeal is allowed. Planning permission is granted for the addition of a dining area to the existing kitchen and the addition of a dressing room and balcony to the master bedroom at Badgers Croft, 5 Hillside Road, Werrington ST9 OLJ in accordance with the terms of the application Ref SMD/2018/0001 dated 30 December 2017, subject to the following conditions:

    1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plans – Existing and Proposed Rev. 2.0 ; Plan View – Existing and Proposed Rev. 2.0 ; Existing Elevations ; Proposed Development ; Block Plan ; Site Location Plan.

    3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) Before the development is brought into use, full details of the privacy screen for the approved balcony shall be submitted to, and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed before the balcony is first used and it shall be retained as such thereafter.

Procedural Matters

2. I was invited by the Council to view the property from No 59 Washerwall Lane in order to assess the effect of the proposal on that property. Upon carrying out the site visit to the appeal property, I was satisfied that all relevant matters

could be viewed from the appeal site or public land, and it was not therefore necessary to gain access to No 59 Washerwall Lane.

Main Issues

3. From the decision notice, it is apparent that the Council only objects to the balcony/screen element of the appeal proposal. As a result, the main issues are the effect of the proposed balcony on i) The character and appearance of the dwelling and the surrounding area and ii) the living conditions of the residents of No 59 Washerwall Lane in terms of the privacy of that dwelling.

Reasons

Effect on the character and appearance of the dwelling and the surrounding area

4. The appeal property is a detached dwelling that has previously been extended. The proposed two storey side extension would be located close to the side boundary with No 59 Washerwall Lane. No windows are proposed in the two storey side extension. However, the front section of the extension at first floor level will be an open balcony with a privacy screen surround. To facilitate this, doors would be inserted at first floor level to gain access.

5. The property is set back from the road and at a higher level than the highway. There is also planted vegetation screening to the front boundary. Along with the relatively modest size of the two storey extension, tucked back from the front wall of the house and the small size of the balcony area, it would be very difficult to obtain any significant view of the extension from a public vantage point. As such, the extension would not to be prominent. Consequently the angle of the balcony screen would hardly be noticeable. As a result, the proposal would not look incongruous within the locality, nor would it cause harm to the character and appearance of the building.

6. Therefore, the proposed development would not have an unacceptable impact on the character and appearance of the host property or the surrounding area. There would be no conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (adopted March 2014) (the DPD) which seeks to ensure that developments are well designed and respect the site and its surroundings.

Effect on the living conditions of No 59 Washerwall Lane

7. The balcony would face toward the garden of No 59. I saw on my site visit that despite the difference in site levels, the immediate garden area to No 59 closest to the boundary is dominated by sizable vegetation and planting, and there is an outbuilding there. Next door's garden is thus well screened. Moreover, the proposed privacy screen be obscurely glazed and its height would make it very difficult for users of the balcony to lean over and look down towards No 59. It also seems to me that the principal purpose of the balcony would be to enjoy the wider panoramic views, rather than seeking to obtain views of the adjacent garden.

8. The limited size of the balcony means that it could not accommodate a significant number of people, and being an outdoor space, open to the elements, it is highly unlikely that it would be used in inclement weather. Therefore, while at certain times the next door neighbour could be aware of the balcony being used, any perception of being overlooked would be negligible.

9. Against this background, I find that the proposal would not result in material harm to the living conditions of the occupiers of No 59 Washerwall Lane, having particular regard to privacy. There would be no conflict with DPD Policy DC1 which seeks to ensure that developments are well designed and respect the site and its surroundings. The development would also meet the aims of paragraph 17 of the National Planning Policy Framework 2012; to achieve a good standard of amenity for all existing occupants of land and buildings.

Other Matters

10. The Council have raised no objections to the single storey dining room extension. I see no reason to disagree and as a result, I have not considered this element of the proposal any further.

Conditions

11. As well as the three years' time limit for commencing the development, a condition requiring the development to be carried out in accordance with approved plans is necessary, in the interests of certainty. In addition, a matching materials condition is required to protect the character and appearance of the area.

12. I have also imposed a condition requiring details of the privacy screen to be submitted to the Local Planning Authority prior to the balcony being brought into use, and to be permanently retained as such, in order to protect the privacy of the adjacent residents.

Conclusion

13. For the reasons set out above, the appeal is allowed.

Paul Cooper

INSPECTOR