



Appeal Decision

Site visit made on 17 July 2018

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 August 2018

Appeal Ref: APP/P1425/D/18/3202073

23 Newlands Park Way, Newick, West Sussex, BN8 4PG.

- 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 and Mrs P Suter against the decision of Lewes District Council.
 - The application Ref LW/17/0951, dated 7 November 2017, was refused by notice dated 12 February 2018.
 - The development proposed is a first floor balcony to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor balcony to front elevation at 23 Newlands Park Way, Newick, West Sussex, BN8 4PG in accordance with the terms of the application, Ref LW/17/0951, dated 7 November 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 934/01, 02A and 03.
 - 3) The balcony hereby permitted shall not be brought into use until the front and side screens have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the development hereby permitted has commenced and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of the occupiers of 68 Oldaker Road in terms of a potential loss of privacy.

Reasons

3. The property the subject of this appeal, 23 Newlands Park Way, is a detached two-storey dwelling set in a large mature garden plot. It is located within a substantive residential development. The appeal property faces and takes access from Newlands Park Way. However, the rear gardens of the dwellings numbered 68 and 66 on the north side of Oldaker Road back on to the southern side boundary of the appeal property. I observed that there is an existing window serving bedroom 1 that currently looks towards the rear of 68 and 66 Oldaker Road.

4. The appellants propose to construct a new porch 2.2 metres x 3.0 metres with a balcony over. Access to the balcony would be via a new door off the landing at first floor level. The porch and balcony would be built in the return of the 'L' shaped plan of the house such that the long side of the balcony would face directly towards the boundary of the appeal site with 68 Oldaker Road.
5. In my judgement, the balcony may provide an attractive opportunity for people to linger on it. However, it would only be large enough to accommodate one or two people at a time and, given the relative size of the balcony compared to the garden plot, it would not, in my opinion, necessarily be the most attractive option for people to congregate for lengthy periods.
6. It is proposed that the balcony would be fitted with opaque glass to a height of 1.1 metres. Accordingly, if installed as proposed, anyone sitting on the balcony would not be overlooking the neighbouring property and would not be visible from the street. This is a matter that could be conditioned if I were minded to allow the appeal.
7. Although the appellants suggest a greater separation distance, according to the Council the distance from the proposed balcony to the boundary to the rear of 68 Oldaker Road is some 14.0 metres or thereabouts and about 25 metres to the rear façade of the neighbouring dwelling. I consider that given this overall separation distance there would not be a significant risk of overlooking leading to a loss of privacy in any case.
8. I appreciate that the tree screen to the boundary would only be seasonal and the existing hedge could at any time be removed. However, given the size of the balcony, its distance from the boundary, the presence of the existing bedroom side window and the introduction of opaque glazing to the screening, I am not persuaded that its construction would result in such an unacceptable loss of privacy, by reason of overlooking, to the occupiers of 68 Oldaker Road. I believe, therefore, that additional boundary screening, as suggested by the appellants, would not be necessary to the common boundary. The proposal would accord with the provisions of saved Policy ST3 (c) of the Lewes District Local Plan (adopted March 2003) as it seeks to protect residential living conditions.

Conditions

9. The conditions follow from those suggested by the Council. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.
10. Further, I will require the glazed screens to the balcony to be obscure glazed to protect the living conditions of neighbouring occupiers.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR