
Appeal Decision

Site visit made on 20 March 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/P1425/D/17/3167865

Merrimeet, Heighton Road, South Heighton, BN9 0JT

- 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 Jackie Lamb against the decision of Lewes District Council.
 - The application Ref LW/16/0828, dated 27 September 2016, was refused by notice dated 16 January 2017.
 - The development proposed is the erection of a balcony to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a balcony to the rear of the property at Merrimeet, Heighton Road, South Heighton, BN9 0JT in accordance with the terms of the application, Ref LW/16/0828, dated 27 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250; Block Plan Scale 1:500; plan including 'Plan View' at Scale 1:500, 'Rear Elevation' at Scale 1:100 and 'Plan View' at Scale 1:100 dated 24 July 2016; and plan including 'Rear Elevation and 'Side Elevation' at scale 1:50 dated 20 October 2016.

Procedural Matter

2. The application was made in the name of Mrs Jackie Lamb. The appeal form gave the name of the appellant as Mr Tim Lamb. Mrs Lamb has since confirmed in writing that Mr Lamb was authorised to conduct the appeal on her behalf. I have therefore treated Mr Lamb as an agent and recorded the appellant's name as Mrs Jackie Lamb, consistent with the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of adjoining occupiers with particular regard to privacy.
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Reasons

4. The appeal property is a detached dwelling with a rear garden that slopes down and away from its rear elevation. The property has a significant level of under-build such that access to the garden from within the internal living space is obtained from a rear facing kitchen door via an external flight of stairs. The property also has a rear facing lounge with triple width and fully glazed bi-fold doors facing the rear garden. The cill to these doors is approximately 1.6m above the adjoining ground level. The proposal is to erect a 2.2m deep balcony to be accessed from these doors with a 1.1m high glass balustrade around its perimeter.
5. The balcony would be nearest to the boundary with the neighbouring property to the east known as October Cottage. The rear elevation to October Cottage is set slightly deeper into its plot compared with Merrimeet. There is a conservatory extension further beyond to the rear of October Cottage which has an obscurely glazed flank elevation facing the appeal site.
6. During my visit I was able to see for myself the existing outlook from the lounge area within Merrimeet. For the most part this is contained to within the limits of the enclosed garden, which is bordered by either approximately 1.8m high fence panels or mature hedgerows and planting to a similar height. Due to the topography of the area views over the boundary enclosures can be had to the south and west but these take in only the rooftops of nearby properties. Due to the position and height of the proposed balcony I am satisfied that there would be no ability to overlook any private spaces in these directions from the elevated platform that would be created.
7. The property most likely to be affected by the proposal would be October Cottage. However, direct views from the appeal property over the boundary fence and into the neighbouring rear garden beyond the conservatory can already be had from the large expanse of glazing to the lounge. In my assessment, use of a balcony extending a fairly short distance beyond the existing rear elevation to Merrimeet would not significantly alter the current aspect over the neighbouring garden.
8. Due to the relationship between both properties there would be no opportunity to look back towards any rear facing windows to October Cottage. Although there would be an expanded range of outlook from the balcony, sight would remain directed towards the lower part of the neighbouring garden which is already overlooked. A large portion of the garden nearest to the back elevation of October Cottage would be out of sight and obscured by the existing conservatory. I accept that there would be some change, but I am not persuaded that the proposal would impact upon existing levels of privacy to a degree that would be significant or that would harm the adjoining occupiers living conditions. I am satisfied therefore that there would be no conflict with Policy ST3 of the Lewes District Local Plan 2003 insofar as it seeks to ensure development respects the amenities of adjoining properties.

Conditions

9. The Council has suggested a condition that would require the installation of a privacy screen to be erected on the eastern side of the balcony. However,

given my findings, no such screen is necessary. I have however imposed a condition specifying the relevant drawings as this provides certainty.

Conclusion

10. Overall, for the reasons given I conclude that there would be no harm to the living conditions of any adjoining occupiers. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR