



Appeal Decision

Site visit made on 17 January 2018

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 13th February 2018

Appeal Ref: APP/H0738/D/17/3185512

10 Low Church Wynd, Yarm, TS15 9BA

- 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 Alan Moffitt against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/1638/RET, dated 20 June 2017, was refused by notice dated 8 August 2017.
 - The development proposed is retrospective planning application for a first floor balcony/seating area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of Nos 8 and 12 with regard to overlooking and loss of privacy.

Reasons

3. The appeal balcony is in a raised position at first floor level. It is set above a single storey extension at the rear of the property, and includes a privacy screen along its western edge.
4. The gardens to the properties along the terrace are generally long and narrow in shape. They are relatively private spaces that are bounded by timber fences. The balcony is positioned particularly close to the boundary with No 12, and the privacy screen restricts direct views into the bay window of that property. However, the balcony otherwise affords largely uninterrupted views over the vast majority of the garden area to No 12 to anyone sitting or standing on the balcony. This results in a significant level of overlooking and loss of privacy in my view, which is not adequately mitigated for by the privacy screen.
5. No 8 has a smaller rear garden than Nos 10 or 12. There is also no privacy screen along the eastern side of the balcony to restrict visibility in this direction. The balcony therefore affords direct views over the majority of the rear garden area to No 8. This results in significant overlooking and a loss of privacy to the occupiers of that property. Whilst some views over the rear of No 8 are available from an existing first floor bay window these are more restricted in nature. In this regard, I do not consider that the overlooking

afforded by the existing bay window provides a justification for the more extensive views that are available from the balcony. Separately, I note that views over the rear of No 12 from the bay window are less extensive.

6. The appellant has drawn my attention to a number of existing balconies within the Yarm area. However, the full details of those balconies are not before me, including the rationale for their approval, or indeed whether they benefit from planning permission. Moreover, I note that a number of these examples are positioned to the front of the host property or are otherwise too small to accommodate a table and chairs. It is also unclear whether any of the rear balconies are in directly comparable positions, or overlook neighbouring properties to the same extent. I have therefore come to my own view on the appeal proposal, based on the particular circumstances that apply in this case.
7. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of Nos 8 and 12 with regard to overlooking and loss of privacy. It would therefore be contrary to the National Planning Policy Framework, which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

8. The appeal property is located within the Yarm Conservation Area, which encompasses the historic core of the town. The appeal property is located on a Wynd emanating from the High Street, which is a characteristic feature of the area. The effect of the development on the character and appearance of the conservation area was not a reason for refusal, and the Council do not object to the proposal on this basis. The proposed balcony would not be visible from the street, and would be broadly in keeping with the character of the host property. In these circumstances I am satisfied that the proposal would preserve the character and appearance of the conservation area, in accordance with national policy.
9. The evidence provided by the appellant indicates that the balcony has been in place for less than 4 years.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR