The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2011

by David Kaiserman BA DipTP MRTPI

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

Decision date: 13 October 2011

Appeal Ref: APP/H1033/D/11/2156025
49 Platt Street, Padfield SK13 1EY

- 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 N Boult against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0117, dated 21 February 2011, was refused by notice dated 25 May 2011.
- The development proposed is the construction of a rear balcony at first floor level.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The balcony was in place at the time of my visit. The appeal is therefore against the refusal of the Council to permit its retention.

Main Issues

3. The main issues are the effect of the balcony on the actual and perceived privacy of neighbouring residents and on the character and appearance of the host dwelling.

Reasons

4. Platt Street consists mainly of traditional two-storey, stone-built terraced houses. No 49 is at the end of a short terrace of six dwellings, with which it has a "cranked" relationship such that the rear elevation is at an angle to the adjoining house. One effect of this is that, even without a balcony, it would be possible for views to be had (from the first floor) of the small rear gardens / yards of nos 53 and 55 to the east.

5. I accept that the intimate relationship of the houses is such that absolute privacy is not possible. However, the balcony increases the opportunity for overlooking to a significant degree, especially since it is an open area which would be used for sitting out etc. It is 5.5m wide and projects from the first floor of the rear elevation of the house by 2.4m. Despite the attempts at screening with bamboo and other materials, and despite also the presence of a number of outbuildings, it is still possible to look down on private amenity

spaces to the east, and also across the short driveway into the rear garden of no 47/47a Platt Street. In addition to the actual loss of privacy, the height and scale of the structure are such that there is a much-increased *perceived* intrusion, despite the obliqueness of the angle, adding to the conflict with "saved" Local Plan policy GD5.

6. The balcony is constructed of galvanised steel with three supports of the same material, leaving the ground level open. It appears as an over-large and somewhat crude addition to the building, wholly at odds with its traditional character and design. While it is for the most part not visible from the public realm, I consider that it is nevertheless clearly in breach of Local Plan policy H14.

7. I have considered the appellant's various representations, including his view that policy H14 does not apply, since the scheme is not an "extension" (something I do not accept); his suggestion that the Council did not assess the application fairly; and observations about other decisions in the locality. None of these points outweighs the clear and substantial harm which I have concluded results from the erection of the balcony, and which has led me to dismiss the appeal.

David Kaiserman

INSPECTOR