



## Appeal Decision

Site visit made on 27 August 2020

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

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**Appeal Ref: APP/R4408/D/20/3244307**

**7 Warner Place, Pogmoor, Barnsley S75 2EJ**

- 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 Ms Alana Lunn against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2019/1253, dated 7 October 2019, was refused by notice dated 6 December 2019.
  - The development proposed is a single storey rear extension with balcony.
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### Decision

1. The appeal is dismissed insofar as it relates to the proposed balcony. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for said single storey rear extension at 7 Warner Place, Pogmoor, Barnsley S75 2EJ in accordance with the relevant terms of the application, Ref 2019/1253, dated 7 October 2019.

### Procedural Matter

2. The part of the development comprising the single storey rear extension has been undertaken. I am therefore considering this element of the appeal retrospectively.

### Main Issue

3. The main issue is the effect of the proposed balcony on the living conditions of occupants of surrounding residential properties with regard to privacy, overlooking and disturbance.

### Reasons

4. The appeal property is a semi-detached two-storey dwelling. It is located within a predominantly residential area. The rear garden of the appeal property runs parallel with the rear garden of the adjoining semi-detached property at 8 Warner Place.
5. Notwithstanding the proposed balcony, the Council have commented that they consider the single storey extension to be acceptable. I find no reason to disagree. Due to its design, size and siting, combined with the presence of an existing single storey rear extension to the adjoining property, it does not cause harm to the living conditions of the occupants of any surrounding residential properties. As it is clearly severable, both physically and

functionally, from the proposed balcony I am able to consider this aspect of the appeal separately.

6. The proposed balcony would be positioned at the first-floor on top of the single storey rear extension. It would overlook, and be clearly visible from, the rear garden of the adjoining property, 8 Warner Place. Due to its siting and elevated position, the proposed balcony would result in a significant loss of privacy and an unacceptable level of overlooking of the garden of 8 Warner Place. Due to the rear gardens of other properties being further away from the appeal property, I find that the effect on those properties would not be unacceptable.
7. Although a privacy screen is proposed on the side elevation of the balcony, I consider that such a screen would only marginally alleviate the harm that I have identified, which would be predominantly in a forward direction.
8. Given the siting of surrounding residential properties combined with the fact that the balcony would be to serve a single dwelling, it would not cause any unreasonable impacts in relation to noise or disturbance. It would have no greater impact in this sense than the use of the private garden.
9. I therefore conclude that the proposed balcony would cause significant harm to the living conditions of occupants of 8 Warner Place with regard to privacy and overlooking. It would be contrary to Policy GD1 of the Barnsley Local Plan (2019) which requires, amongst other things, that development does not have a significant adverse effect on the living conditions of residents.
10. The proposal would also be contrary to guidance contained in the House Extensions and Other Domestic Alterations Supplementary Planning Document (2019) which outlines that raised platforms will only be allowed where the privacy of neighbouring residents is not detrimentally affected by significantly increased overlooking.
11. I also conclude that the single storey rear extension does not cause harm to the living conditions of occupants of any surrounding residential properties. It complies with Policy GD1 of the Barnsley Local Plan (2019) which requires, amongst other things, that development does not have a significant adverse effect on the living conditions of residents.

### **Other Matters**

12. Although not within the Council's reason for refusal, the officer report considers that the proposed glass balustrade and privacy screen would be out of character with the surrounding area and have a negative impact. I find that whilst these features are not prevalent in the surrounding area, due to their size and siting, they would not be dominant or prominent features in the street scene and would not cause harm to the character and appearance of the area.
13. As the element of the appeal which I have allowed has been undertaken, it is not necessary to impose conditions requiring that the development be undertaken within 3 years, it is carried out in accordance with the approved plans, or that matching materials are used. No other conditions are necessary.

### **Conclusion**

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the

proposed balcony but allowed insofar as it relates to the single storey rear extension.

*A M Nilsson*

INSPECTOR