

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Services Manager

To inform Members of a recent appeal decision in respect of 16 Arlecdon Road, Arlecdon

Recommendation: That the decision be noted in the context of the Council's Local Plan policies and also in relation to performance monitoring.

Resource Implications: Nil.

1.0 SUPPORTING INFORMATION

1.1 Full planning permission for a retrospective planning application in respect of a balcony extension to an existing dormer at the rear of this terraced property was refused in March 2007 on the following grounds:-

“By virtue of its scale, siting and materials the balcony as constructed is incongruous in its setting and entirely out of keeping with the character and appearance of this traditional terrace of houses which the subject property forms part. The development is, therefore, at variance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.”

1.2 An appeal lodged against this refusal has been DISMISSED.

1.3 The Inspector considered that the degree of overlooking from the balcony is significant and has led to a loss of privacy that is harmful to the living conditions of the occupants of these houses and particularly to the neighbouring property No. 17. He also was of the opinion that the glazing panels of the balcony are visually prominent and detract from the character and appearance of the area.

1.4 A copy of the Inspector's decision letter is attached.

Contact Officer: Heather Morrison – Senior Planning Officer

Background Papers: Development Services File No. 4/07/2049/0F1



Appeal Decision

Site visit made on 20 November 2007

by **Richard McCoy** BSc MSc DipTP MRTPI
IHBC

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

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Decision date:
6 December 2007

Appeal Ref: APP/Z0923/A/07/2048399

16 Arlecdon Road, Arlecdon, Frizington, Cumbria, CA26 3UX

- 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 T Dempsey against the decision of Copeland Borough Council.
- The application Ref 4/07/2049/0, dated 22 January 2007, was refused by notice dated 7 March 2007.
- The development proposed is the erection of a balcony extension.

Decision

1. I dismiss the appeal.

Procedural matter

2. It was apparent from my visit that the development described above has already been carried out. I shall therefore deal with the appeal on that basis.

Main issues

3. I consider the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of adjoining houses in respect of any overlooking and loss of privacy.

Reasons

4. The appeal site is a terraced house situated in a predominantly residential area. The balcony has been erected on the back roof slope, attached to a dormer window which, according to the Council, was constructed under permitted development rights.
 5. The balcony overlooks the back gardens of Nos 17 to 21. In the case of No 17 the back garden and patio are overlooked at close quarter. The back garden of No 15 is also partially overlooked, the view being obscured by a rear extension and the staggered nature of the gardens at this part of the terrace.
 6. I consider that the degree of overlooking is significant and has led to a loss of privacy that is harmful to the living conditions of the occupants of these houses, particularly No 17. Accordingly the development conflicts with Policy HSG20 of the Copeland Local Plan 2001-2016, adopted June 2006 and the harm identified is a compelling reason to dismiss the appeal.
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7. Concern has also been expressed with regard to the effect of the balcony on the character and appearance of the area. While not readily visible from public views within the village it can be seen in distant views across the open field from the road behind the appeal site. With the exception of the dormer window at the appeal site the rear roof slope of the terrace is, in the main, unaltered. The terrace provides the main backdrop of the village when seen from the countryside and is a strong part of the village's character of terraces of 2 storey, slate roofed, houses.
8. I consider that although it is seen against the dormer window, the opaque glazing panels of the balcony are visually prominent in this view and detract from the character and appearance of the area. Accordingly the development would be contrary to LP Policy HSG20 and this factor reinforces my primary objection to the scheme.
9. In reaching my decision I have taken account of the letters received at the application stage, including one confirming no objections to the balcony. I have also noted the nearby modern property. Nevertheless, I find nothing to convince me to change my mind. For the reasons given above I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR