
Appeal Decision

Site visit made on 1 February 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/R5510/D/22/3305401

7 Elgin Drive, Northwood, Middlesex HA6 2YR

- 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 and Mrs Sheikh against the decision of London Borough of Hillingdon.
 - The application Ref 55600/APP/2022/1990, dated 21 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is balcony with timber railing & decking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at the site visit that the balcony has already been erected and therefore planning permission has been sought retrospectively. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal scheme on:
 - i. the character and appearance of the area with particular regards to the appeal property; and,
 - ii. the living conditions of the occupiers of neighbouring residential properties with particular regards to privacy.

Reasons

Character and appearance

4. Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies and policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies and Policies D3 and D4 of the London Plan, amongst other matters, seek a high quality of design for extensions and alterations to residential properties.
5. The appeal scheme consists of decking and railings above the existing large flat roofed single storey rear extension, creating outdoor space accessed from the first floor of the appeal property. The appeal property appears as a modest brick-built bungalow, previously extended to the rear at the ground and first floor level.

6. In support of the appeal the appellant has provided photographs of other properties with balconies in the area, specifically '53 & 47 Murray Road which have balconies overlooking onto a highway'. As noted by the appellant these balconies overlook a highway and appear as integral with the property rather than a later addition.
7. The balcony is not visible from the street but would be the subject of limited views from the neighbouring properties, in particular the rear gardens of adjacent properties and in passing from the adjacent railway line.
8. From the submitted plans and my observations at the site visit, the balcony appears as a lightweight timber structure with timber railings, shown on the submitted plans as being 'min 1100mm' high, enclosing the decking that is shown as measuring some 3.8m by 4.14m. The appeal proposal is a prominent feature of the rear elevation of the property, being situated at a first floor level above the existing single storey rear extension.
9. Consequently, while the appeal proposal is not a substantial structure, it nonetheless is of some size and scale in itself and in proportion to the appeal property. Furthermore, the design and materials used in the construction of the balcony appears at odds with, and poorly related to, the appeal property.
10. Consequently, while views of the balcony are largely limited, nonetheless I find that the balcony appears as an incongruous feature and as a result harms the character and appearance of the appeal property contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies and policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies and Policies D3 and D4 of the London Plan.

Living Conditions

11. The balcony is located at a first-floor level in proximity to the shared boundaries of the appeal site with the neighbouring residential properties. As a result of the orientation of the appeal property and the neighbouring properties it did not appear possible to look from the balcony onto the rear elevations of the closed neighbouring properties.
12. However, I saw at the site visit that it was possible to look directly into the rear gardens of the neighbouring properties and as such, the residents of the neighbouring properties would suffer a loss of privacy. While I note that the occupiers of these properties have not objected to the appeal proposal, I am nonetheless satisfied that the appeal scheme would harm the living conditions of the occupiers of those properties as a result of the loss of privacy that the occupiers would suffer.
13. Consequently, I find that the appeal proposal is contrary to policy DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies that, amongst other matters, seeks to protect the privacy of the occupiers of neighbouring properties.

Other Matters

14. The Appellant details that the balcony is needed to provide outdoor amenity space for first floor flat. However, the officers report details 'The balcony is accessed via a patio door on the first floor which was originally approved under planning permission ref: 55600/APP/2020/1734 with a Juliet balcony to prevent

use of the flat roof as a roof terrace'. The first floor flat has already been granted planning permission and I have no substantive evidence before me to demonstrate that the balcony is necessary to ensure that the amenity space available to the occupiers of the flat is of an acceptable standard. I therefore afford this matter little weight and it does not outweigh the harm I have previously identified.

Conclusion

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

Mr M Brooker

INSPECTOR