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## Appeal Decision

Site visit made on 18 November 2021

**by D M Young JP BSc (Hons) MPlan MRTPI MIHE**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 November 2021**

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### **Appeal Ref: APP/B3030/D/21/3281920**

### **9 Marriot Lane, Blidworth, Notts NG21 0QF**

- 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 Mrs Janet Charlton against the decision of Newark and Sherwood District Council.
  - The application Ref 21/00545/HOUSE, dated 5 March 2021, was refused by notice dated 8 July 2021.
  - The development proposed is a first-floor balcony to rear of property.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a first-floor balcony to the rear of 9 Marriot Lane, Blidworth, Notts NG21 0QF in accordance with the terms of the application, Ref 21/00545/HOUSE, dated 5 March 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

### **Background**

2. A previous application for a similar scheme was refused on appeal in December 2020<sup>1</sup>. A copy of that decision was supplied with the Grounds of Appeal and I have had regard to it in reaching my decision. However, it is important to recognise that the position and size of the balcony have been amended. Consequently, the current scheme is different to that considered by the previous Inspector.

### **Main Issue**

3. The main issue is whether the development would cause unacceptable harm to the living conditions of neighbouring occupiers.

### **Reasons**

4. The previous Inspector found no unacceptable loss of privacy in respect of the outdoor amenity space to 7 Marriot Lane, and I see no reason to disagree in respect of this amended scheme. The matter at hand is rather whether the relationship between the balcony and those windows in the side elevation of No 7 would be acceptable.

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<sup>1</sup> Appeal ref: APP/B3030/D/20/3263190

5. The balcony would be sited on the rear elevation of the appeal property and its outlook would essentially be towards the side, largely blank (eastern) elevation of No 7. Although the previous Inspector raised some concern with this relationship, that was based on a misunderstanding that the first-floor window served a bedroom. As clarified by the Appellant, it turns out that the window serves a non-habitable room and *"cannot be seen into or out of"*.
6. The ground-floor window serves the garage which is also classed as a non-habitable room. Accordingly, I am satisfied there would be no unacceptable overlooking of No 7 whether actual or perceived. The letter of support from the current occupiers adds credence to that conclusion. I appreciate that future prospective occupiers might see things differently. However, in that scenario, they would be free to exercise consumer choice in the matter.
7. In terms of the effect on East View, the previous Inspector stated that the balcony would *"allow more direct views into the garden of East View than are available at present"*. However, in its repositioned location the balcony would be sited further away from the shared boundary than the existing first-floor bedroom window. Moreover, I note that the design of the balcony includes an obscure glazed balustrade at its northern end. Based on the above, there would be no unacceptable loss of privacy to the occupiers of East View.
8. Accordingly, I conclude that the balcony would not result in unacceptable harm to the living conditions of neighbouring occupiers. As a result, there would be no conflict with Core Policy 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013). These seek, amongst other things, to ensure development does not result in adverse impacts on the amenities of neighbouring users.
9. The Council requested a planning condition requiring the development to be constructed in materials matching the existing dwelling. However, as the design including the proposed materials, are already shown on the approved plans and detailed in the Application Form, such a condition is unnecessary. To provide certainty, I have imposed a standard time limit condition.

### **Conclusion**

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

*D. M. Young*

Inspector