

Planning Committee

ENFORCEMENT APPEAL DECISIONS

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number		
Appeal Site	I Staddiscombe Park, Plymstock, Plymouth, PL9 9LT	
Appeal Proposal	Planning Enforcement Notice against balcony.	
Appeal Category	Planning Enforcement Notice	
Appeal Type		
Appeal Decision	Appeal dismissed and planning enforcement notice upheld.	
Appeal Decision Date	10 September 2013	
Conditions		
Award of Costs	No	Awarded To
Appeal Synopsis		

Members of the Planning Committee considered a planning application in March 2013 seeking retrospective planning permission for a balcony at the rear of this detached house. The balcony had only been recently erected, and had given rise to complaints about its impact on neighbouring properties.

Members of the Planning Committee visited the site to view the balcony, and assess its impact, prior to considering the retrospective planning application. After further careful consideration of the application at Planning Committee, the application was refused on the grounds that it was considered to have an unreasonable impact on the amenity of the neighbouring occupiers by virtue of (i) loss of privacy, (ii) disturbance from the use of the balcony, and (iii) that the balcony by virtue of its size has an overbearing visual impact. The development was therefore considered to be contrary to the Council's Local Development Framework Core Strategy Policy CS34, and the Development Guidelines Supplementary Planning Document.

A planning enforcement notice was issued on 02 April 2013 requiring the balcony to be removed. The applicant appealed against the enforcement notice, and argued that the balcony would be acceptable provided a privacy screen were to be erected along the edge of the balcony nearest to the closest neighbouring property.

In the course of the appeal, Planning Officers argued strongly that the balcony was unacceptable, even with a privacy screen. However, having inspected the balcony from the nearest adjacent property, the Planning Inspector concluded the appeal should be allowed and has granted planning permission for the balcony subject to the installation of a privacy screen. In the Inspector's opinion, the balcony would comply with the Council's planning policies and development guidelines in the event of the screen being erected. The Inspector has attached planning conditions setting out a timetable for the approval, and installation, of the required privacy screen.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.