



Appeal Decision

Site visit made on 19 November 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/U2370/D/19/3231386

Delamere, Garstang Road, Bilsborrow, PR3 0RE

- 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 Victoria Longworth against the decision of Wyre Borough Council.
 - The application Ref 18/01166/FUL, dated 2 December 2018, was refused by notice dated 28 May 2019.
 - The development proposed is retention of rear balcony railings and provision of screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Council's Decision Notice rather than the planning application form, as it provides a more concise description of the proposal.
3. The balcony railings have already been installed and the proposal is therefore retrospective in nature.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.

Reasons

5. The appeal balcony is in a raised position at first floor level, above an existing flat roof single storey extension. It occupies the full width of the property and is positioned next to the boundary with the adjoining dwelling at Lynden House.
6. The gardens to both Lynden House and Delamere are long and narrow in shape and are relatively private spaces bounded by timber fences. The balcony is positioned above the height of the boundary fence and allows for views over the vast majority of the rear garden to Lynden House. This results in a level of overlooking significantly in excess of that which would otherwise be available from the rear first floor windows. The balcony is also large enough to accommodate a table and chairs, which would encourage its use over extended periods of time. In my view, the presence of this balcony is intrusive to users of the adjoining garden and it significantly undermines its privacy.

7. A glazed privacy screen is proposed along the boundary with Lynden House with a 1.5 metre return along the balcony's western edge. However, even with this privacy screen in place, anyone standing or sitting on the southern part of the balcony would still have clear views over the garden to Lynden House.
8. My attention has been drawn to an existing rear balcony to the neighbouring dwelling at the post office. However, that property extends significantly further to the rear than either Delamere or Lynden House. Accordingly, views from its rear balcony over neighbouring gardens are more restricted. In this regard, it is not directly comparable to the appeal proposal and does not result in overlooking to the same extent.
9. Separately, any overlooking to the dwelling at the post office could be mitigated by the installation of a privacy screen along the southern edge of the balcony. The garden/decking area to No 1 Oak View is also further away and viewed at a more oblique angle. However, that does not alter my concerns in relation to Lynden House.
10. For the above reasons, I conclude that the development significantly harms the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. It is therefore contrary to Policy CDMP3 of the Wyre Local Plan (2019), and guidance contained in the joint Extending Your Home Supplementary Planning Document. This policy and guidance seek to ensure, amongst other things, that new development has an acceptable impact on neighbour amenity, and that new balconies do not cause a significant loss of privacy.

Conclusion

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

Thomas Hatfield

INSPECTOR