

Appeal Decision

Site visit made on 4 January 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/Q1255/D/16/3160888

3 Boulnois Avenue, Lower Parkstone, Poole, BN14 9NX.

- 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 Lee Roberts against the decision of the Borough of Poole Council.
 - The application Ref APP/16/00950/F dated 14 June 2016, was refused by notice dated 20 July 2016.
 - The development proposed is to provide glazed balustrade and decking on existing flat roof at rear of property. Area 5.30m x 2.40m. Flat roof provides means of escape from first floor bedroom approved by planning ref 05/38705/000/F.
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Preliminary matter

1. The above description for the proposed development was originally set out on the planning application form. It is unnecessarily descriptive and is not repeated in the Council's decision notice or on the Appeal form. Accordingly, in the interests of precision I propose to use the wording given on the Council's decision notice which is *"Provide glazed balustrade and decking on existing flat roof at rear of property area 5.30 x 2.40 metres"*.

Decision

2. The appeal is allowed and planning permission is granted to provide glazed balustrade and decking on existing flat roof at rear of property area 5.30 x 2.40 metres at 3 Boulnois Avenue, Lower Parkstone, Poole, BN14 9NX in accordance with the terms of the application, Ref APP/16/00950/F dated 14 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC/14/2016, LOC/15/2016 and LOC/16/2016.
 - 3) Prior to the commencement of the development hereby permitted, details of the obscure glazed panels and escape door, located to the sides of the balcony and which shall be a minimum of 1.8 metres in height, shall be submitted to and approved in writing by the local planning authority. The obscure panels and door shall be erected in accordance with the approved
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details prior to the first use of the balcony hereby permitted and shall thereafter be permanently retained in accordance with the approved details.

Main Issue

3. The main issue is the effect of the scheme on the living conditions of the occupiers of 1 and 5 Boulnois Avenue (Nos.1 & 5), with particular regard to privacy and visual impact.

Reasons

4. The Appeal site is located within a mixed suburban residential area which includes single and two storey dwellings occupying various sized plots. There is a first floor balcony at the front of 1 Boulnois Avenue and the Appellant has referred to a number of rear garden balconies in the wider area. There are currently no rear first floor balconies within the immediate area of the Appeal site.
5. The Appeal property comprises a dormer bungalow which occupies a deep plot and is flanked by two dormer bungalows with smaller rear gardens at Nos.1 & 5. Beyond these dwellings the Appeal site adjoins the rear garden of several dwellings, which are screened from the Appeal site by various trees and shrubs.
6. Currently full height windows and a door look out onto the existing flat roofed area that would be used for a balcony. The proposed balcony would have 1.8 metre high obscure glazed cheeks and a lower clear glazed balustrade to the front. The obscure glazed cheeks would prevent any overlooking immediately to the west and east of the balcony and would thus prevent any inter-looking with the side dormer window and rear conservatory at No.1. Beyond this conservatory is an area of driveway and a long outbuilding, which runs along the boundary with the Appeal property and screens the main rear garden area at No.1.
7. Beyond the obscure cheeks the view to the east would be over the flat roof of the existing outbuilding within the rear garden of the Appeal property. Beyond that would be the upper flank wall and roof of the existing single storey flat roofed extension at No.5. The balcony would not facilitate views into any formal sitting out areas to the rear of No.5.
8. The main outlook from the balcony would be down the wide long rear garden of the Appeal property which is enclosed by adjacent outbuildings and numerous trees and shrubs within the back garden environment. The screen formed by these trees and shrubs would be greater during the summer months when the proposed balcony would be more likely to be used.
9. The obscure glazed cheeks would be visually lightweight and sited between four and five metres from the dwellings at Nos.1 & 5, whose main outlooks are to the front and rear. Any views of the adjacent balcony cheek from the rear first floor window at No.5 would be minimal, due to the distance and orientation between the two. Whilst the balcony would be visible from the adjacent garden area at No.5 the two would be separated by the substantial outbuilding in the rear garden of the Appeal property.

10. Whilst the western balcony cheek would be readily visible from the dormer window at No.1, the outlook from this dormer window would remain open and spacious. At the same time the balcony cheek would serve to screen a series of flat roofs from the adjacent dormer window at No.1. The balcony would be screened from the usable rear garden of No.1 by the existing outbuildings within that garden.
11. For these reasons I conclude that the proposal would not be overbearing, oppressive, or result in a loss of privacy for the occupiers of Nos.1 & 5. It would therefore comply with policy DM1(v) of the Poole Site Specific Allocations and Development Management Policies adopted 2012, which seeks to ensure that new development is not overbearing or oppressive and does not result in a loss of privacy.

Elizabeth Lawrence

INSPECTOR