



Appeal Decision

Site visit made on 27 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/A2335/D/19/3237016

6 Monkswell Drive, Bolton Le Sands LA5 8JZ

- 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 & Mrs S Jackson against the decision of Lancaster City Council.
 - The application Ref 19/00569/FUL, dated 7 May 2019, was refused by notice dated 27 June 2019.
 - The development proposed is described as a 'retrospective application for single storey rear extension with balcony over'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council issued a split decision granting planning permission for a single storey rear extension and refused the application in respect of the balcony. My deliberations and decision are therefore focused solely upon the balcony.
3. I observed during my visit that the development described above has already been carried out. I am therefore proceeding on the basis that the development has already occurred.

Main Issue

4. The main issue in this appeal is the effect of the balcony on the living conditions of the neighbouring residents at 7 Monkswell Drive, with regard to privacy.

Reasons

5. 6 Monkswell Drive, along with its neighbours, enjoys a good size rear garden with high boundaries comprising a mix of solid fencing and mature hedges that limit any potential overlooking. This provides a high level of privacy between these rear garden areas.
6. The balcony has created an elevated vantage point from which I was able to see a substantial part of the neighbouring rear garden area at 7 Monkswell Drive. I was also afforded a direct view into the side windows of the rear conservatory at No 7, and given the proximity, I was able to clearly make out the furniture and seating arrangement within this room. These views were not interrupted by any intervening foliage. As a consequence, I find the degree of

overlooking from the balcony area to be intrusive and therefore resulting in a significant loss of privacy to the neighbours at No 7.

7. The view from the rear facing first floor bedroom window provides only an oblique view of the neighbouring rear garden area at No 7, which is further limited due to the staggered relationship of the rear elevations. However, the balcony area extends beyond this window's outlook and provides an area where residents and their guests can sit out for long periods of time. The overlooking of the neighbouring rear garden and conservatory from the balcony is therefore much more acute than the limited outlook from the bedroom window.
8. I appreciate that the balcony area may only be used in periods of good weather, yet this is also when the neighbouring residents are most likely to use their garden area and would reasonably expect a degree of privacy.
9. I have considered the appellants' offer to erect a 1.8 metre high screen along the north-western side of the balcony. However, due to the proximity to the boundary with No 7, this would likely result in an oppressive structure and, in any case, I am not convinced that this would fully remove the potential for overlooking.
10. Consequently, I have found that the balcony causes significant harm to the living conditions of the neighbouring residents at 7 Monkswell Drive, with regard to privacy. This is contrary to Policy DM35 of the Local Plan for Lancaster District 2011 – 2032 Development Management DPD (Adopted December 2014) which, amongst other things, seeks to ensure no significant detrimental impact to amenity in relation to privacy and overlooking. In doing so, it also conflicts with the policies of the National Planning Policy Framework which seek to ensure high standards of amenity.

Other Matters

11. My attention has been drawn to a dormer roof extension at 5 Monkswell Drive that was allowed on appeal. However, a dormer window is a different type and form of development to a roof top balcony. I cannot therefore draw any parallels between the dormer at No 5 and the appeal scheme. I have instead considered the appeal on its own individual merits.
12. It is suggested that balconies are becoming a common feature on many properties in the area. I appreciate the appellants' desire to make the most of views of Morecambe Bay and that there was no objection from the local Parish Council. However, these factors do not justify the harm I have found in this case.

Conclusion

13. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR