
Appeal Decision

Site visit made on 3 June 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/Z1775/W/20/3244281
309 Copnor Road, Portsmouth PO3 5EG

- 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 and Mrs R Bush against the decision of Portsmouth City Council.
 - The application Ref 19/00888/HOU, dated 5 June 2019, was refused by notice dated 5 November 2019.
 - The development proposed is first floor balcony.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed balcony on the living conditions of the occupiers of the neighbouring property with respect to privacy.

Reasons

3. The appeal property is a maisonette above a laundrette situated on a corner plot at the junction of Domum Road and Copnor Road. It forms one of a terraced row of commercial properties with accommodation above.
4. The proposal is for the erection of a balcony at first floor level on the rear elevation of the appeal property. The balcony would extend across the full width of the property, it would be approximately 1.2 metres in depth and would be accessed internally from within the property. A 1.8 metre high obscure glazed screen would be positioned along one side of the proposed balcony tight to the boundary with the neighbouring property, No 311 and No 311A Copnor Road. The other two sides of the proposed balcony would incorporate an obscure glazed balustrade.
5. The Council's evidence indicates that the neighbouring property comprises commercial use at ground floor level with residential accommodation above. I saw at the time of my site visit that the neighbouring property has an outside rear courtyard area that adjoins the appeal site. The Council's evidence also indicates that the courtyard area is used as an outdoor amenity space by the occupiers of No 311A.
6. Although the obscure glazed balustrade and 1.8 metre high obscure glazed screen would restrict views into the rear courtyard of the neighbouring property when the occupiers of the host property use the proposed balcony as a seating

area, the same cannot be said when they stand on the balcony or lean on or over the balustrade. Views from the elevated balcony would be extensive and uninterrupted, and although oblique towards the neighbouring rear courtyard area, it would be possible to look directly into it. Thus, there would be a loss of privacy for occupiers of the neighbouring property when using their outdoor amenity space due to overlooking.

7. I acknowledge that the windows at first floor level and above in the rear elevation of the appeal property already include views towards the outside rear courtyard area of the neighbouring property. However, taking into account that I have already found that views from the proposed balcony would be extensive and uninterrupted, the development would significantly decrease the level of privacy to the outdoor amenity space for occupiers of the neighbouring property due to overlooking.
8. For the above reasons, I conclude that the proposed balcony would cause material harm to the living conditions of the occupiers of the neighbouring property, contrary to Policy PCS23 of the Portsmouth Plan 2012. This policy seeks, amongst other things, to ensure that new development protects the living conditions of neighbouring occupiers.

Other Matters

9. The appellants point out that the proposal would allow for a small amenity area and is intended for only occasional use. I have taken these points into account. However, they do not outweigh the harm that I have found in respect of my conclusion on the main issue.

Conclusion

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

Andrew Bremford

INSPECTOR