



Appeal Decision

Site visit made on 14 December 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 30th December 2020

Appeal Ref: APP/A1720/D/20/3259392

23 Hill Head Road, Fareham PO14 3JJ

- 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 Ken Carter against the decision of Fareham Borough Council.
 - The application Ref P/20/0478/FP, dated 1 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is single storey replacement extension and balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Certificate A was completed at the application stage, indicating that the appellant was the sole owner of the property. However, the appellant submitted Certificate B with the planning appeal, indicating that the appellant is not the sole owner of the property and confirming that notice was served on the owner, Nigel Neale. In response to my request, the appellant has confirmed that the owner is a member of his family. Moreover, the appellant has confirmed that he has liaised with the owner about the proposal. On that basis, I am satisfied that the owner has had the opportunity to comment on the proposed development. Therefore, no prejudice would be caused if I were to proceed with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed balcony on the living conditions of the occupiers of neighbouring properties in regard to noise and privacy.

Reasons

4. No 23 is a modest mid-terraced two storey property on the southern side of Hill Head Road. It has a narrow rear garden which is the same width as the house. In common with most of the neighbouring properties in the terrace, the boundaries that form the rear gardens are set askew to the terraced row of buildings and are mostly formed by low fences, walls, railings or hedging.
5. The proposed development would replace the existing single storey rear extension with a wider and deeper flat roofed single storey extension. In addition, the proposal would incorporate a balcony, at first floor level, above the extension.

6. The balcony would be set in from the sides of the extension by around 0.4 metres, set back from the rear wall of the extension by approximately 1.3 metres and would be accessed internally from within No 23. The balcony balustrading would be glazed, and the development would incorporate 1.7 metre high obscure glazed side screens.
7. Although the proposed balcony would not be large it would, nonetheless, be of sufficient size to allow a wide range and intensity of domestic activity in the open, such as entertaining. Such a use would be in an elevated position, close to the neighbouring properties and their gardens, where such activity does not exist at present and would not usually be expected by the occupiers of the adjacent dwellings.
8. Despite the proposed glazed balustrade and side screens, disturbance from noise could be generated from the use of the uncovered balcony area. The first floor window in the rear elevation of the adjacent house, to the east of the site, is significantly closer to the proposed balcony than it is to the rear garden area of No 23, where disturbance from noise might normally be expected. Noise would also permeate towards the first floor window in the rear elevation of the adjacent house to the west and downwards, over the existing low boundary structures of No 23, towards the ground floor windows and the rear gardens of the adjacent houses. Noise would be more intrusive when any of these windows were open, which could be at any time of the year.
9. As a result of the proposed obscure glazed side screens, visibility between the space occupied by the balcony and the windows at first floor level of the adjacent houses would be obscured. However, owing to the proposed clear glazed balustrade views from the elevated balcony would be extensive and mostly uninterrupted towards the gardens of the neighbouring properties, especially when occupiers of the host property are stood on the balcony or lean on or over the balustrade.
10. Notwithstanding the skewed alignment of the rear gardens relative to the terraced row, which would result in a more oblique view towards the rear garden of the adjacent property to the west of the site compared to the view towards the rear garden of the adjacent property to the east, it would nonetheless be possible to look directly into both neighbouring rear gardens at very close proximity. As a consequence, the proposed balcony would lead to an unacceptable level of overlooking of both neighbouring gardens. Thus, there would be a significant loss of privacy for the occupiers of the adjacent properties when using their rear gardens due to overlooking.
11. Furthermore, despite the obscure glazed side screen, the occupiers of the neighbouring property to the east would be aware of the presence of people and activity on the balcony when in their conservatory owing to the proximity of the proposed development. This would result in a perceived loss of privacy for the neighbouring occupiers when using their internal living space.
12. For the reasons outlined above, I conclude that the use of the proposed balcony would cause significant harm to the living conditions of the occupiers of the adjacent properties as a result of disturbance from noise and as a result of the actual and perceived loss of privacy.
13. Consequently, the proposed development would conflict with Policy DSP2 of the Fareham Local Plan Part 2: Development Sites and Policies 2015 (LP) which,

amongst other things, seeks to ensure that development proposals do not have significant adverse effect on neighbouring development by reason of noise. It would also conflict with Policy DSP3 of the LP which, amongst other things, seeks to ensure that development proposals do not have an unacceptable adverse impact upon the living conditions of neighbouring development by way of a loss of privacy.

14. My attention has been drawn to the fact that a balcony already exists within the terrace. However, I am not aware of the full circumstances which led to that development being built and it should not be seen as setting a precedent. In any event, I have determined the appeal proposal on its individual planning merits and the existence of the other balcony in the terrace referred to by the appellant does not alter or outweigh my overall conclusion on the main issue.
15. I have taken into account that the appeal site faces towards the sea and balconies are often formed to take account of these sea views. Moreover, I have no reason to doubt that balconies are characteristic of some forms of coastal residential development in Hill Head. However, I have not been presented with any substantive evidence to indicate that balconies are a prevailing characteristic of close-knit residential properties in Hill Head similar in context to the terraced row of dwellings within which the appeal site is located.

Conclusion

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

Andrew Bremford

INSPECTOR