



Appeal Decision

Site visit made on 2 March 2021

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/D1265/D/20/3260572

1 Lodge Way, Weymouth, Dorset, DT4 9UU

- 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 Shepherd against the decision of Dorset Council.
 - The application Ref WP/20/00317/FUL, dated 18 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the erection of balcony to front and side of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development firstly, on the living conditions of nearby residents, with particular reference to privacy and disturbance; and secondly, on the character and appearance of the group of properties within which the appeal property sits.

Reasons

3. The appeal property is an end-of-terrace, 2-storey, brick-built house with multi-paned windows, Georgian-style features and a small front garden area. It lies at the southern end of a small terrace of 4 dwellings which, along with 2 similarly-styled terraces, forms a "U-shaped" layout around a central grassed area. This arrangement means that the appeal property directly faces Nos 14 and 15 Martleaves Close, which lie some 20-21m away.

Effect on living conditions

4. The proposed balcony would be supported by posts at each corner and would be 1.2 metres (m) deep. It would extend part-way across the front elevation of the appeal property from where it would be accessed from a bedroom, through glazed doors which would replace an existing window. It would also extend about 3m along the dwelling's southern, side elevation. Front and side sections would be faced with toughened glass, 1.1m high, and there would also be a 1.8m high obscure-glazed screen at the balcony's northern end.
5. Some mutual overlooking can currently take place between the appeal property and 14 and 15 Martleaves Close, but as this is from behind the modestly-sized, multi-paned windows I do not consider it to be un-neighbourly, or to have an adverse impact on privacy, not least because this arrangement has clearly existed since the houses were constructed. However, the erection of the

proposed balcony would materially alter this situation, as any overlooking from the appeal property would not only be 'in full view' of 14 & 15 Martleaves Close, but would also be from a slightly closer distance. Unlike the appellant, I consider that this would result in occupiers of Nos 14 & 15 having an increased perception of being overlooked, with a consequent perceived loss of privacy.

6. I have noted the appellant's comment that as the balcony would be accessed from a bedroom it would only be used by the house owner and not by guests, but in my assessment this would not lessen the adverse impact and harm I have just identified.
7. The Council also raised concerns regarding the likely impact on occupiers of 2 Lodge Way, as a result of increased disturbance. This next-door property is, however, slightly set back from the front elevation of the appeal property, and because of this it seems to me that the proposed balcony would not be visible from No 2's front-facing windows. The proposed obscure-glazed screen would provide some further shielding, and with these points in mind I am not persuaded that any activity on the balcony would be unacceptably disturbing to occupiers of No 2.
8. But notwithstanding my favourable finding on this latter point, my overall conclusion on this first main issue is that the proposed development would result in an adverse impact on the living conditions of residents of 14 and 15 Martleaves Close, by unacceptably increasing the perception of being overlooked. As such, the proposal would be at odds with Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan (the WDWPLP), adopted in 2015 which, amongst other things, requires development proposals to not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy.

Effect on character and appearance

9. I saw at my site visit that there are solar panels on the roof of 15 Martleaves Close, and a conservatory attached to the side elevation of another of the dwellings served by Martleaves Close. However, neither of these additions have any direct impact on the front elevations of the properties in these 3 terraces which, to my mind, have a simple, distinctive, unaltered appearance. In contrast, the proposed balcony would be a prominent addition to this group of dwellings, clearly visible from the adjacent Buxton Road, from where the appeal property can be seen occupying an elevated position.
10. As a result, the balcony would unbalance the largely 'symmetrical', unaltered layout of this group of dwellings and because of this I conclude that the appeal proposal would have an adverse impact on the character and appearance of these dwellings. The proposal would therefore be in conflict with WDWPLP Policies ENV10 and ENV12 which, amongst other matters, require new development to contribute positively to the maintenance and enhancement of local identity and distinctiveness; respect the character of the surrounding area; and be of a high quality of design, in harmony with the adjoining buildings and the area as a whole.

Other matters

11. The appellant has made reference to existing balconies and Juliet balconies in the surrounding local area and I observed these at my site visit. However, I am

not persuaded that these add weight to the appellant's case, as the balconies referred to predominantly exist on detached properties and do not give rise to the same sort of overlooking potential as would arise with the appeal proposal.

Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, my overall conclusion is that this appeal should be dismissed.

David Wildsmith

INSPECTOR