



Appeal Decision

Site visit made on 16 November 2021

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/D1265/D/21/3278693
123 Pottle Walk, Wimborne BH21 2FD

- 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 Gardner against the decision of Dorset Council.
 - The application 3/20/2151/HOU, dated 25 November 2020, was refused by notice dated 5 May 2021.
 - The development proposed is to erect front and rear single storey extensions with a new first floor balcony to the front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. Permission was granted under Ref 3/20/1007/HOU to the single storey extensions included in this application, the balcony now sought having been removed from that application and replaced by a 'Juliet' balcony. These single storey extensions have now been erected on site. As a result, there is no need for me to consider them further. The main issue is therefore the effect of the proposed balcony on the living conditions of the occupiers of adjoining dwellings, with particular regard to whether the development would result in unacceptable overlooking.

Reasons

3. The houses on Pottle Walk face south over a public footpath and open land towards the River Stour. It was clear from my site visit that it is the south-facing front gardens that are predominantly used by residents for sitting out, and that the rear gardens, fronting Howarth Road, serve a more utilitarian purpose. These front gardens are delineated by a mixture of iron railings and low hedges. As a result, the gardens are not private spaces, with pedestrians passing on the footpath to the front, and neighbours to the sides, able to obtain views into them of anyone enjoying their front garden. However, such views into the front gardens along Pottle Walk are largely transient, resulting mostly from people walking past the boundaries.
4. The proposal would introduce a balcony at first floor level on No 123, which, given its orientation and the views obtained from it, would be likely to be well used by the appellants for sitting out. The balcony would not project forward of No 121 and would be set away from the boundary with No 125. However, it would still provide elevated views of significant sections of the front gardens of

those two adjoining houses. This would give rise to overlooking, and the perception of being overlooked, of a different magnitude to that currently possible from ground level, or through the first floor window located behind the proposed balcony. Given that the areas overlooked appear to be the principal sitting out areas of the two affected houses, I consider that the additional loss of privacy that would result from the appeal proposal would be unacceptable.

5. I conclude that the proposed balcony would result in an unacceptable effect on the living conditions of the occupiers of adjoining dwellings, by reason of increased overlooking, contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy 2014.

Conclusion

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

Baljit K Muston

INSPECTOR