
Appeal Decision

Site visit made on 28 February 2022

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State for

Decision date: 10 March 2022

Appeal Ref: APP/V3310/W/21/3284850

8 Spaxton Road, Durleigh, Bridgwater TA5 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Wynn against the decision of Sedgemoor District Council.
 - The application Ref 23/21/00007 AGE, dated 6 July 2021, was approved on 31 August 2021 and planning permission was granted subject to conditions.
 - The development permitted is a single storey front extension.
 - The condition in dispute is No 3 which states that: No development shall take place above DPC level until details of the privacy screen to be installed to the Western edge of the balcony hereby approved, have been submitted to and approved in writing to the Local Planning Authority. Once approved, the privacy screen shall be implemented in accordance with the approved details and be in place prior to the first use of the balcony and maintained thereafter in perpetuity.
 - The reason given for the condition is: In the interests of safeguarding the residential amenity of neighbouring occupiers as in accordance with Policy D25 of the Sedgemoor Local Plan 2011-2032.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the disputed condition is necessary to safeguard the privacy of the occupiers of 8a Spaxton Road.

Reasons

3. The appeal property is a detached two storey dwelling lying to the north of Spaxton road. The permitted development would result in the removal of the front conservatory and its replacement with a lean-to front extension which would include a balcony at first floor level. The balcony would give views out over Durleigh Reservoir and the front garden area of the neighbouring property, 8a Spaxton Road.
4. No 8a also has a patio area to the front of it, which affords views of the reservoir, contains a bench and table and is, from the information before me, used regularly.
5. The proposed balcony would extend for nearly the full depth of the proposed extension, resulting in the front of it being some way forward of the patio area of No 8a. Given the size and depth of the balcony it would be perfectly possible for several people to be using it at one time. Furthermore, whilst I

acknowledge that users of the balcony would primarily be looking forward towards the reservoir, the depth of the balcony means that it would be possible to turn around and walk back towards the balcony entrance, thus having the opportunity to glance sideways down towards No 8a.

6. Whilst the vegetation that runs along the boundary of the two properties would provide some screening, from the evidence before me I am not persuaded that it would give complete privacy to the occupiers of No 8a. Moreover, it cannot be guaranteed that it will remain in place in perpetuity. I acknowledge that the design of the balcony, being set within the roof, would also act to limit views of the patio, but once again do not consider that it would completely eliminate them.
7. I note that there is a side window in the bedroom of the appeal property which gives views of the patio area of No 8a. However, views from the bedroom window are likely to be relatively fleeting and I also consider that people standing on the balcony would appear more intrusive to users of the patio by virtue of both being outdoors, with no built form in between.

Conclusion

8. It follows that condition 3 is necessary to safeguard the privacy of the occupiers of No 8a when using their patio, and that without it conflict with policy D25 of the Sedgemoor Local Plan 2011-2032 would occur. This policy seeks to ensure that development does not unacceptably impact upon the residential amenity of occupants of nearby dwellings. I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR