



Appeal Decision

Site visit made on 25 July 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/W0910/D/23/3316082

61 Dover Street, Walney, Barrow in Furness LA14 3LE

- 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 S McGarry against the decision the Council of the Borough of Barrow-in-Furness.
 - The application Ref B21/2022/0723, dated 5 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is the erection of balustrade to form rear balcony area on existing roof.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of residents of surrounding properties with regard to outlook and privacy.

Reasons

Character and appearance

3. The site is a two storey terraced dwelling on Dover Street in an area largely defined by tightly knit residential uses. Properties back onto the rear elevation of a similar terraced row on Bristol Street, separated by an alleyway. While the front elevations have a notable consistency in overall form and design, to the rear properties are more varied, with a range of alterations and additions. Nevertheless, such alterations are largely at ground floor level, constructed from traditional materials befitting of the residential nature of the surrounds.
4. The proposal would erect balustrading on top of the existing ground floor projection at the site to enable its use as a balcony. However, it would be the first enclosed balcony of its kind in this immediate group of dwellings, appearing as an incongruous addition. The panels of the balustrading would be clearly visible from the alleyway and the junction with Euryalus Street, where their height at first floor level would read as prominent and out of place among the largely single storey nature of surrounding rear additions.
5. I note that certain rear outriggers in the vicinity, while single storey, are greater in height than the prevailing built form of the immediate area. This includes the outrigger at No. 59 Dover Street adjacent to the site, which the plans show to be of a comparable height to the proposed balustrading.

However, it remains that this neighbouring outrigger is constructed from materials that match its host dwelling and assimilate in the surrounds.

6. By contrast, the level of aluminium faced panelling proposed would appear overtly modern and out of place in the alleyway, failing to reflect the predominant materials and design of the host dwelling or wider terrace. While the materials of the balustrading could form the subject of suitably worded condition, it would nevertheless remain that the balustrading itself would signal the presence of an incongruous enclosed first floor balcony, such that this would do little to address the visual harm caused by the proposal.
7. For the reasons given, the proposal would result in significant adverse harm to the character and appearance of the area. As such, it would fail to comply with Policy DS5 of the Barrow Borough Local Plan 2016-2031 (the Local Plan) insofar as it seeks to ensure high quality design that integrates with the character of the area and responds to the surrounding context.

Living conditions

8. The proposal would be experienced from No. 63 Dover Street adjacent to the site, where it would be particularly prominent from the rear yard and the facing rear habitable windows on the outrigger of this property. It would introduce a notable element of height that would tower above the boundary fencing between the properties. Although its highest point would be of a comparable height to the outrigger of No. 59, the proposal would be sited in much closer proximity to the boundary with No. 63. As such, it would read as an overbearing feature from the rear yard and facing windows of this neighbouring dwelling, creating an undue sense of enclosure for residents.
9. While the height of the balustrading is acknowledged, it remains that the elevated position of the area that would be used as a balcony would afford clear views into the rear habitable room windows of facing properties along Bristol Street when users of the balcony are standing. In addition, some of the proposed balustrading facing No. 63 is of a lower level which would also afford clear views into the rear yard and facing windows of this property. While I note reference to the balustrading being increased in height, I must determine the scheme as it appears on the plans before me.
10. As a result, the use of the flat roof of the outrigger at the site as a balcony would lead to both actual and perceived overlooking of these spaces beyond the level to be expected even in a tight knit residential area. Given the limited external space elsewhere at the site, the balcony would be likely to be in regular use for prolonged periods of time. As such, surrounding occupiers would have the use and enjoyment of their facing habitable rooms and, in the case of No. 63, their rear yard, unduly impacted as a result of the proposal.
11. For the reasons given, the proposal would result in significant adverse harm to the living conditions of residents of surrounding properties with regard to outlook and privacy. As such, it would fail to comply with Policies H16 and H17 of the Local Plan insofar as they seek to ensure development does not adversely affect the amenities of neighbouring properties by creation of an overbearing impact or a loss of privacy.

Other Matters

12. There are no objections from neighbouring residents. Notwithstanding that, it is necessary to ensure that surrounding character is respected and that adequate living conditions are maintained. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above.
13. The proposal would provide external amenity space for the occupiers of the appeal property, which I noted to be limited at present. However, this does not outweigh the harm that I have identified to the character and appearance of the area and the living conditions of neighbouring occupiers.

Conclusion

14. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR