



Appeal Decision

Site visit made on 14 August 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/F0114/W/23/3318283

"SomerLodge" 7 Steam Mills, Midsomer Norton BA3 2JX

- 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 Sharon Duddridge against the decision of Bath and North East Somerset Council.
 - The application Ref 22/02528/FUL, dated 4 May 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as 'proposed extensions and loft conversion'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended drawings have been submitted with the appeal, removing the Juliet balcony to the front and altering the design of the rear elevation. Whilst draft drawings were submitted to the Council, these were not considered in full and the decision was issued on the basis of the original scheme. The amended drawings have not been the subject of consultation, and in my view, they materially amend the proposal. I have considered the revised plan under the principles established by the Courts in *Wheatcroft*¹. To consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of the plans considered by the Council.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with regard to privacy.

Reasons

4. The appeal property is sited behind a row of single storey detached properties next to a cricket club. It currently consists of a single storey dwelling facing almost perpendicular to the neighbouring dwellings, which are set along the highway.
5. A watercourse runs along the boundary between the appeal property and its neighbours, and there is extensive hedging and foliage along this stream, providing screening to the rear gardens of these semi-detached properties.
6. The proposal would add a second storey, and a Juliet balcony and full balcony would be located on the front elevation. The sizeable full balcony in particular,

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

is intended to allow for sitting out. Users of the balcony would be at a high level, and there would be opportunity for direct overlooking of the rear gardens and rear elevations of the nearest neighbouring properties, Nos 2 and 3 Steam Mills.

7. These properties, due to their single storey nature, currently enjoy a high level of privacy in their rear gardens and to their rear elevation fenestration. The appellant has provided photographs taken from the existing roof level, and these show that the rear windows of these neighbours are visible, and any screening is dependant on the hedgerow. A hedgerow at sufficient height would impact the light reaching the garden areas of these properties to a detrimental degree. In any event, there is no guarantee that planting would remain in situ. The balcony would therefore offer clear, albeit oblique, views of much of the garden of Nos 2 and 3, which is currently relatively private.
8. While I recognise the appellant's intention is not to look into neighbouring plots, the occupants of these properties would experience a perception of overlooking from a continued presence on the balcony. Therefore, the proposal would result in a greater level of overlooking of these gardens and the rear facing windows than at present and would result in a loss of privacy and consequent harm to the living conditions of the occupiers.
9. Given my findings above, I conclude that the proposed development would harm the living conditions of the occupants neighbouring properties in respect to privacy. Accordingly, the proposal conflicts with the protection of living conditions aims of Policy D6 of the Placemaking Plan for Bath and North East Somerset (2017).

Other Matters

10. I note that a letter of support has been received, however this does not alter my conclusions on the main matter.
11. I note that the appellant raises issue with the way the Council has determined the application, however, this should be taken up with the Council, and is not a matter for consideration under this appeal. I have based my decision on the information before me and what I observed on my site visit.

Conclusion

12. For the reasons above the appeal is dismissed.

B Phillips

INSPECTOR