

Appeal Decision

Site visit made on 15 April 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.05.2024

Appeal Ref: APP/K2610/D/24/3337075

41 Panxworth Road, South Walsham, Norfolk NR13 6DY

- 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 Louise Coke against the decision of Broadland District Council.
 - The application Ref 2023/1682, dated 13 June 2023, was refused by notice dated 3 November 2023.
 - The development proposed is 'amendment to existing plans. Balcony redesigned and enlarged. Cantilever removed and new proposed steel construction'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed balcony on the living conditions of the occupiers of Nos 39 and 43 Panxworth Road, with regard to privacy.

Reasons

3. The appeal property is a semi-detached dwelling in a residential road of similar properties and some detached dwellings running along the southern side of Panxworth Road. To the north and south is open undeveloped agricultural land. The proposal involves a larger balcony to replace the cantilever balcony that was approved as part of a two storey rear extension at the appeal property¹.
4. Policy GC4 of the Broadland Development Management DPD (2015) (DM DPD) concerning design includes the requirement that development proposals should pay adequate regard to the impact on the amenity of existing properties.
5. The balcony would serve the rear bedroom, with double doors providing access to it. The approved balcony's relatively modest depth would enable a person to stand on it to gain views to the rear, but it would not appear to be of sufficient size to accommodate seating. As such, due to its proximity to the adjoining dwelling, No 39, and despite the higher screen to the eastern side, it would enable some views into this property's rear garden, but these are unlikely to be for prolonged periods.

¹ Ref 2018/1369.

6. The proposed balcony would be in the same position, but would be materially deeper, with posts providing support. The additional depth would create a greater floor area than the approved balcony, which would enable sitting out. Given the extensive and attractive views to the rear over open countryside it is likely that the balcony would be used for this purpose, potentially for prolonged periods in the summer.
7. It would also, however, enable direct views of the rear garden of No 39 and particularly the patio area nearest to the house, which is also likely to be used for sitting outside. This would result in direct overlooking of the neighbouring garden, potentially for prolonged periods, resulting in a loss of privacy to the neighbouring occupiers. This would harmfully compromise the reasonable use and enjoyment of their garden.
8. There is a much greater separation from the garden of No 43, a detached dwelling on the opposite side. As such, views from the balcony would be less direct and immediate and so there would not be the same harmful loss of privacy as there would be to the adjoining dwelling.
9. I acknowledge that the approved balcony may have required redesign because of concerns about durability and safety. However, this is not sufficient reason to set aside the harm found above from the specific form of balcony proposed. I accept also that current neighbouring occupiers and the Parish Council have not objected to the proposal. However, given the permanent nature of the proposal, its effects need to be considered in the long-term, with regard to future occupiers of the neighbouring dwelling as well as the current ones. Therefore, while I have had full regard to these matters they do not outweigh the harm that would result from the proposed balcony.
10. Accordingly, for these reasons, I conclude that the proposed balcony would have a materially harmful effect on the living conditions of the occupiers of No 39 Panxworth Road, with regard to privacy. Consequently, the proposal is contrary to Policy GC4 of the DM DPD, as described.

Conclusion

11. For the reasons given the appeal should not succeed.

J Bell-Williamson

INSPECTOR