



Appeal Decision

Site visit made on 31 July 2025

by **K Winnard LL.B Hons Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/V4250/D/25/3364747

The Woodlands, Mill Lane, Aspull, Wigan WN12 1QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Megan Walker against the decision of Wigan Council.
 - The application Ref is A/24/98113/HHRET.
 - The development is a single storey extension to the rear following demolition of existing outrigger, creating a balcony above with new doors in rear elevation at ground and first floor levels.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is located within the Green Belt. This matter is not at issue between the parties and the Council has accepted that the proposal is not inappropriate development within the Green Belt. I agree with this assessment and my decision deals solely with the reason for refusal given by the Council.
3. That part of the development relating to the demolition of the outrigger and the erection of a single storey extension to the rear have been completed, but the new doors in the first floor level enabling the creation of the balcony have not yet been installed. For the avoidance of doubt, I am determining the appeal on the basis of the plans as submitted.
4. I have adopted the Council's description of the development as this is more succinct.

Main Issue

5. The main issue in the appeal is the effect of the development on the living conditions of the occupiers of the neighbouring dwelling, The Poplars, with reference to privacy.

Reasons

6. The appeal property, The Woodlands (the Woodlands), is a semi-detached dwelling which has recently been extended at the rear. A single storey flat roof extension with a low parapet wall has been completed which runs across a substantial length of the back of the dwelling. It is proposed to create a balcony area accessible from the main bedroom via a new door. The attached neighbouring property, The

Poplars (the Poplars), also has an extension to the rear which projects beyond the extension at the Woodlands.

7. Notwithstanding the gap which remains between the two dwellings and the intervening presence of the rear extension to the Poplars which would obscure some views, the proposal for a balcony would introduce a projected and elevated vantage point beyond the rear first floor elevation of the Woodlands affording its users a more open and elevated view over the garden area of the Poplars. The result would be a significant level of overlooking and loss of privacy to the detriment of the neighbouring occupiers' enjoyment of their garden.
8. Access to the balcony would be from a master bedroom, rather than a principal living area of the dwelling. I note it would not be intended to use the area for socialising and dining out but whilst this might limit the frequency of the use, it is still likely to be used frequently by the occupants of the master bedroom and thus cause significant harm. The appellant suggests that the overlooking which would occur from the balcony is not significantly different from that previously obtained from a rear bedroom window. I acknowledge that this window is now obscurely glazed reducing any potential for overlooking from this viewpoint. However, the potential for overlooking from the balcony would be for more sustained periods than that obtained from a rear first floor window and as such would differ from the level of mutual visibility generally found from rear bedroom windows in residential areas. In addition, the presence of people in an elevated position with the ability to linger upon the balcony, would increase the sense of intrusion and exposure to the occupiers of the neighbouring dwelling and their sense of being overlooked when in their rear garden.
9. The appellant suggests that the introduction of privacy screening would overcome the harm to neighbours. Whilst the introduction of privacy screens might mitigate some of the harm, it is likely such a feature would need to be of a significant height to prevent overlooking. No such scheme is before me to demonstrate the acceptability of such privacy screens either in terms of residential or visual amenity. As such I am not convinced that this is a matter which can be addressed by the imposition of planning conditions.
10. For the above reasons, the proposal to create a balcony would result in unacceptable harm to the living conditions of the occupiers of the Poplars. As such it would not comply with Policy CP17 of the Wigan Local Plan Core Strategy (adopted September 2013) which requires development to be designed so it does not have an unacceptable adverse effect on amenity. It would also conflict with guidance within the Council's House Extension Design Guide Supplementary Document which indicates that balconies which compromise residential privacy will not be permitted. In addition, it would also conflict with the National Planning Policy Framework which looks to create a high standard of amenity for existing and future users.
11. Accordingly, I conclude that the appeal should be dismissed.

K Winnard

INSPECTOR