



Appeal Decision

Site visit made on 4 August 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/D1265/D/25/3366357

21 Seven Acres Road, Weymouth, Dorset DT3 6DQ

- 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 Mr Watson against the decision of Dorset Council.
 - The application Ref is P/HOU/2024/07572.
 - The development proposed is erect extension to the rear to form dining room, balcony to rear off existing lounge and loft conversion with dormer to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is located in the Dorset National Landscape (NL), in which the National Planning Policy Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty. Harm to the landscape and scenic beauty of the NL did not form part of the reason for refusal. As the site is contained within an established residential area, I have no grounds to disagree with the Council in this regard.

Main Issue

3. The effect of the proposed development on the living conditions of the neighbouring occupiers of 19 Seven Acres Road, 53 and 55 Brunel Drive, and 17 Maunsell Avenue, with regard to privacy and outlook.

Reasons

4. The appeal site comprises a linked detached property (the host property) located within a suburban residential area. The property is split-level and from the street the house appears as a bungalow, with the rear elevation being two storeys.
5. The topography of the area has a steep gradient, and the land slopes down significantly at the rear. Consequently, the property occupies an elevated position compared to a number of neighbouring properties which share a boundary with the appeal site to the side and rear.
6. The host property has a large lounge window at first floor on the rear elevation which has an outlook towards the rear windows and gardens of neighbouring properties. The proposed balcony would extend out from the rear elevation at first floor via the lounge. As a consequence, the balcony would be closer to the windows and gardens of neighbouring properties compared to the existing lounge window.

7. The proposed balcony would be large enough for a number of people to sit and congregate for lengthy periods of time. While in the winter months and during poor weather the likelihood of people using the balcony would be reduced, in the summer months, when the weather is warmer and the days are longer, the area would be an attractive place for the occupiers of the host property.
8. Privacy screens on each end would limit the ability of people using the balcony to view the rear windows and the garden of 51 Brunel Drive, and a small part of the rear garden of 19 Seven Acres Road (No 19). To some degree, a low-level obscure glazed balustrade would also restrict views from people sitting on the proposed balcony. However, the balustrade would not prevent views towards the rear windows and the rear garden of 17 Maunsell Avenue (No 17). There would also be views towards the rear windows and rear gardens of 53 (No 53) and 55 (No 55) Brunel Drive, as well as the rear garden of No 19.
9. Due to the minimal separation distance between the proposed balcony and the main bedroom windows on the rear elevation of No 53, there would be an unacceptable level of overlooking and loss of privacy to the occupiers of the property. For similar reasons, but to a lesser extent, due to an increased distance between the two, there would also be a loss of privacy to the occupiers of No 55.
10. Despite tall trees and shrubbery on the rear boundary, there would be a direct outlook from the proposed balcony towards the first-floor bedroom window of No 17. Again, due to the separation distance and difference in ground levels between the proposed balcony and first floor window, there would be an unacceptable level of overlooking and loss of privacy to the occupiers of No 17.
11. Furthermore, the size and height of the proposed balcony, and its juxtaposition with neighbouring properties would be overly dominant and overbearing, exacerbated by the elevated position of the rear elevation of the host property. Therefore, the proposal would be harmful to the outlook from the rear windows and gardens of neighbouring properties, particularly No 53 and No 17.
12. The proposed rear sunroom extension, with a set of large bi-fold doors on the corner aspect, due to its elevated position, close to the side boundary with No 19, would allow an unrestricted outlook over the rear garden of No 19. In particular, the proposed extension would project out from the existing raised platform that leads from the garage and kitchen. It would be used as a dining room and the side facing aspect would allow a greater degree of overlooking over the rear patio area of No 19. As a result, there would be an unacceptable level of overlooking and loss of privacy to the occupiers of No 19 and the benefits of increased light into the kitchen and dining room would not outweigh the harm.
13. While the appellant suggests that the side extension is not far off conforming to permitted development rights, no substantiated evidence has been submitted to demonstrate that to be the case. Reference has also been made to other properties on Brunel Drive and Churchward Avenue with decking / balconies / seating areas and conservatories, which the appellant suggests provides greater overlooking. However, very limited information has been provided to enable me to draw any direct comparisons between those developments and the appeal scheme before me. Given this, these matters do not add weight in favour of the development.

14. The Council has not raised concerns with the proposed front dormer and due to the juxtaposition with neighbouring properties it would not harm the living conditions of neighbouring occupiers. Likewise, the enlargement of the existing side facing first floor window would not result in a materially greater loss of privacy to neighbouring occupiers.
15. Overall, for the reasons set out above, I conclude that the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of 19 Seven Acres Road, 53 and 55 Brunel Drive, and 17 Maunsell Avenue, with regard to privacy and outlook. As such, it would conflict with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015), which amongst other things, requires development to be designed to minimise the impact on the amenity of existing occupiers, including through loss of privacy and overbearing impact.

Conclusion

16. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR