



Appeal Decision

Site visit made on 26 September 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/C4615/D/25/3370840

The Bungalow, 6 The Alley, Lowe Gornal, Dudley DY3 2UL

- 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 Cooper against the decision of Dudley Metropolitan Borough Council.
 - The application Reference is P25/0543.
 - The development proposed is described on the Application Form as a 'Walkout balcony to the rear of the property.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the Council's Reason for Refusal there is a reference to the Emerging Dudley Local Plan (EDLP) Policy DLP14 which is a design policy that lists a number of design principles. In my application of paragraph 49 of the National Planning Policy Framework (the Framework), whilst the EDLP is not part of the adopted development plan, it is currently at an advanced stage in the process where the Examining Inspector is undertaking hearings. Whilst the Council has not submitted details of the upcoming main modifications (if any), the policy does appear to be very similar to the policy that it is replacing which would be Policy L1 of the Dudley Borough Development Strategy 2017 (DBDS). The emerging Policy DLP14 to me seems in general conformity with the Framework; and there is a strong likelihood that the draft policy will remain unchanged. Given the advanced stage of the policy and the considerations under Paragraph 49 of the Framework, I will give significant weight to this policy.
3. It is noted that there is one reason for refusal, however it concerns visual amenity and living conditions. The Planning Officer report has a discussion on the design of the scheme which they view as inappropriate, however this is not made obvious in the wording of the reason for refusal which is related to visual amenity, rather than character and appearance. Despite this, for the avoidance of doubt I will assess both the character and appearance (which includes the concept of visual amenity), and living conditions within this letter.

Main Issues

4. The main issues are the effect of the development upon:

- The character and appearance of the existing dwelling, and the surrounding locality;
- The living conditions of the surrounding occupiers, with particular regard to overlooking and privacy.

Reasons

Character and Appearance

5. The appeal site contains a detached bungalow which appears to date from the mid-late twentieth century along with other neighbouring dwellings fronting The Alley. The topography of the land is quite steep in this location, with land falling from The Alley to the rear of the dwelling. The topography is illustrated by the appeal dwelling appearing as a one storey dwelling from the street, but a two storey dwelling from the rear. Many of the dwellings along The Alley have larger well vegetated and undeveloped rear gardens that back onto the rear gardens of properties fronting Grafton Gardens. A pedestrian alleyway runs from the side of 6A The Alley to Grafton Gardens. The Alley is relatively well vegetated with hedgerows to front gardens with the road ending in a cul-de-sac which allows pedestrian access to the Cotwall End Nature Reserve. Given the steep topography, there are long distance views between gaps between dwellings to the tops of trees in rear gardens and the open countryside and hills not the distance. These are some of the characteristics of the locality that influence the positive qualities of local character and distinctiveness.
6. In assessing the erection of balconies, the DBDS Policy S6 and LP1, alongside EDLP Policy DLP14 are design based policies that seek that extensions are of an appropriate form, respond to local character and context, and are appropriate in form, and design to the host dwelling, amongst others. The policies are also supported by a Residential Design Guide Supplementary Planning Document (SPD) which also gives guidance regarding rear extensions. The SPD¹ describes general design principles that extensions and alterations to dwellings needing to be in-keeping and relate to the design of the host dwelling and specifically for balconies that privacy screens of rear balconies can be visually incongruent.
7. To the rear of dwellings there is evidence of balcony extensions, such as No.6A which is two dwellings to the north of the appeal site whereby this dwelling is set further back into the site than the appeal property and has a narrow rear balcony with low metal railings which appears to have been erected some time ago, potentially with the erection of the dwelling. The immediately adjacent property to the north at 6A also has a rear balcony with side panels which according to both parties was approved in 2015². The neighbouring property at 6A has a dwelling that has similar setbacks and positioning to the appeal site. The balcony consists of a metal framed railing with obscurely glazed panels which does not appear to be in keeping with the rear of the dwelling given that it has a much more modern appearance which interferes with the existing design and materials of the existing dwelling. Despite this, the balcony of this neighbouring property is relatively small,

¹ Pages 36 and 44

² Dudley Council Planning Ref: P15/1757

partly internalised and does not project greatly past the rear façade of the existing dwelling. Whilst there are two rear balconies in this location (the Appellant mentions there are 3 rear balconies within 50 metres), I am not of the opinion that rear balconies are a positive or common characteristic of the locality.

8. I disagree with the Appellant's Statement of Case (SoC) that the proposed balcony would be modest in size or identical to the neighbouring balcony, as the proposed dimensions would be 3 metres x 4.45 metres which would be similar to the dimensions of a room of a dwelling and would not be part internalised as per the neighbouring dwelling. The design of the steel and obscurely glazed panels does not relate well to the design or appearance of the existing dwelling. Whilst the proposed balcony would have similar materials to the balcony on the adjacent dwelling, there would be an increased amount of clutter to the rear caused by the materials and large privacy screens that like the neighbouring property, would present an incongruous appearance that would dominate the form of the rear of the dwelling which is highly visible. The proposed balcony would accentuate an already poor visual appearance that is present to the rear of the dwellings when seen together.
9. I can appreciate and empathise with the concerns raised by the Appellant with regards to the neighbouring balcony being approved and that in their opinion a clear precedent has been established. However, the proposed balcony extension to the appeal site does appear to be larger and project further past the rear façade than the neighbouring balcony and is not a comparable installation. Additionally, this balcony was approved almost a decade ago in a different policy position with the Local Plan and SPD having been adopted since the granting of this permission. The Council has made their decision based upon the current policy position whereby the proposed extension would not present as an appropriate proposal when considered against the Development Plan, as well as material considerations.
10. I am also aware of the vegetation to the rear of the property that provide some mitigation to the visual appearance of the balcony, however planning decisions are made upon the lifetime of the development, and there are no guarantees that future owners may seek to remove the vegetation.
11. Taking the above into account and in conclusion of this matter, the proposed rear balcony would be of an overly large and dominant form and appearance that would be detrimental to the character and appearance of the host building and the greater locality. As such the proposal would be contrary to DBDS Policy S6 and LP1, alongside EDLP Policy DLP14 and the guidance provided by the SPD, as described previously.

Living Conditions

12. Given the topography of the land at the rear there is an increased perception of overlooking from neighbouring properties. The combination of height, topography and prominence of the proposed balcony; would be quite intrusive to surrounding occupiers and the use of the balcony and interference towards living conditions would be readily apparent from neighbouring residents attempting to enjoy their private garden space.
13. I am not convinced by comments from the Appellant that a balcony would provide similar overlooking opportunities as to what is already experienced from rear windows at first floor level. There is a clear difference in the perception of

overlooking and loss of privacy from this large area which can accommodate a number of persons sitting/standing, associated gatherings, bbqs or standing on a balcony for long periods of time as opposed to any overlooking caused, for example, from a rear window which would go largely unnoticed. Given the suburban environment, these changes to the perception of overlooking and privacy as a result of this development carry a significant impact to the living conditions of surrounding occupiers.

14. Whilst I appreciate that there is the intension to erect privacy screens which will mitigate some overlooking, this would not be to an extent where this would be acceptable, or accepted as part of this residential environment. There is still the potential for guests to stand at the edge of the balcony, as well as the change in perception of the balcony with the size and scale allowing a number of guests to congregate. Additionally discussion with regards to the historic policy position being different to today as discussed previously, is also relevant to comments around living conditions which would not be acceptable when considered against the current policy position.
15. Taking the above into account and in conclusion of this matter, the proposed rear balcony would be of an overly large and dominant form and appearance that would be detrimental to the character and appearance of the host building and the greater locality. As such the proposal would be contrary to DBDS Policy LP1, alongside EDLP Policy DLP14 and the guidance provided by the SPD, which seeks that proposed extensions should not cause detriment to the living conditions of surrounding occupiers.

Other Matters

16. I acknowledge and appreciate the comments from the Appellant in their SoC regarding their personal needs, their specific situation and justifications for the proposed balcony which is to enable level access for the appellant who has declining health and would enable step free access to the garden. Whilst I have not been presented any evidence which supports this need, I have treated this situation as a material consideration to this proposal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the applicant's needs which may be more compliant with the policies of the development plan. There are consequently no material considerations that warrant a decision other than in accordance with the development plan.

Conclusion

17. The appeal is therefore dismissed.

J Somers

INSPECTOR