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## Appeal Decision

Site visit made on 17 August 2022

**by Martin H Seddon BSc MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2022.**

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### **Appeal Ref: APP/L3245/D/22/3301364**

### **245 Wenlock Road, Shrewsbury, Shropshire SY2 6SA**

- 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 G Corfield against the decision of Shropshire Council.
  - The application Ref: 22/01705/FUL, dated 30 March 2022, was refused by notice dated 8 June 2022.
  - The development proposed is retention of a balcony with a balustrade, on the roof of the dining room as authorised under planning reference 20/02207/FUL for the erection of part single and two storey extensions including Juliet balconies to the rear elevation and remodelling of dwelling (amended description).
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. The development had been carried out prior to the application to the Council.

### **Main Issue**

3. The main issue in this appeal is the effect of the development on the living conditions of neighbours in respect of residential amenity and privacy.
4. No.245 Wenlock Road is a detached house situated between two neighbouring detached houses and an open area of land which is under development. It has been extensively remodelled under permission ref: 20/02207/FUL. The balcony and glass balustrade which has been created, and which occupies an area of flat roof, was not part of that planning permission. The balcony is located at the south-eastern corner of the building at first floor level next to the rear garden. The approved plans indicate that the rear window serving bedroom No.1 would have a Juliet balcony. However, a glazed door has been installed which allows access from bedroom No.1 to the balcony.
5. From the balcony there are clear angled views of the first floor rear windows of houses along Kingston Drive and over their rear gardens, which are separated by timber boundary fences. It is also possible to see the end of the rear garden of No.243 Wenlock Road.
6. A Juliet balcony serving bedroom No.1 would have allowed a degree of overlooking of the gardens of adjacent properties, as is the case with the approved Juliet balcony granted permission and installed to serve bedroom No.4. However, the glass balustrade which fronts the balcony can allow a

greater field of view of neighbouring gardens than the approved Juliet balcony for the window serving bedroom no.1. That is because people using the balcony could stand and lean over the balustrade. Moreover, the balcony will allow people to sit and use the space for long periods of time, whereas use of a Juliet balcony would be likely to be used much less and for shorter periods of time. There would also be more potential for noise and disturbance from people using the balcony to have an adverse effect on the amenity of neighbours because any users would be in the open air at first floor level.

7. The appellant has referred to potential screening of the balcony to restrict overlooking of other properties, such as slatted fencing, or obscure glazing for the balustrade, but considers that the balcony does not result in such detrimental harm to warrant such measures. However, screening would not prevent the potential for noise and disturbance when the balcony was in use. I accept that other windows in the property, including the window with a Juliet balcony at bedroom No.4, allow overlooking of neighbouring gardens and facing windows in houses. Despite this, the use of the balcony, although at the south-eastern end of the house would increase the potential for overlooking and add to the overall loss of privacy for neighbours. The angle of view towards the rear of the houses on Kingston Drive is also slightly less acute from the balcony than from the other first floor rear windows of the appeal dwelling.
8. I find that the development has a detrimental effect on the living conditions of neighbours in respect of increased loss of privacy. It therefore conflicts with policy CS6 of the Shropshire Local Development Framework Core Strategy which seeks, amongst other things, to ensure that development safeguards residential and local amenity. It also fails to meet the objective of the National Planning Policy Framework to create places with a high standard of amenity for existing and future users.

### **Conclusion**

9. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

*Martin H Seddon*

INSPECTOR