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APPEAL STATEMENT

SITE: 24 Meadowfield, Bradford On Avon, BA15 1PL

APPEAL AGAINST REFUSAL OF: Proposed first-floor balcony above existing rear extension

LOCAL AUTHORITY: Wiltshire Council

PLANNING APPLICATION NUMBER: PL/2026/00332

APPELLANT: Mrs Katherine Thomas

Introduction

The appeal is against a refusal of planning permission by Wiltshire Council for the *Proposed first-floor balcony above existing rear extension* at No.24 Meadowfield, Bradford On Avon.

The application proposed a modest balcony to the rear of the existing dwelling, providing an external amenity space above the existing single-storey rear extension. The proposal has been designed as a lightweight addition, with glazed guarding and obscure glazing to the side panels.

The Council accepted that the proposal is appropriate in terms of its design, scale and relationship with the host dwelling and surrounding area, and raised no concerns regarding loss of light, overshadowing or overbearing impact. The sole reason for refusal relates to the perceived increase in overlooking of neighbouring properties.

In support of this appeal, the following statement has been constructed to demonstrate the suitability of this site for this proposal and evaluate its accordance with national and local planning policy along with supplementary design guidance.

Refusal Reason

The Notice of refusal was dated 16th July 2026 and contained the following reason for refusal:

1. *The proposal would materially increase the level of actual and perceived overlooking, and it is considered that the harm would be unacceptable in this instance. Consequently, the proposal is not considered to satisfy adopted local design guidance and safeguard appropriate levels of amenity for neighbouring occupiers as required by CP57 (vii).*

The proposal therefore conflicts with Paragraph 135(f) of the National Planning Policy Framework (NPPF), for failing to provide a high standard of amenity for existing and future users, Core Policy 57 point vii in respect of safeguarding residential amenity and also Appendix D of the Wiltshire Design Guide.

The LPA's refusal reason gives insufficient weight to the existing relationship between the properties, the nature of the surrounding development, the screening already present, and, importantly, the relatively limited difference between the views available from the proposed balcony and those already available from the existing first-floor accommodation.

It should be noted the refusal reason uses the word 'perceived' rather than actual and a perception is not enough to dismiss the appeal, especially having regard to the existing windows on that elevation.

The proposed balcony is a modest addition to the rear of the existing dwelling, positioned above an established single-storey rear extension. It extends approximately 2.1m from the rear of the property and is approximately 4m wide, providing an external area of approximately 8.4m². The revised proposal incorporates 1.25m-high glazed guarding, with the side panels proposed to be obscure glazed specifically to reduce any potential views towards the properties to the east and west. Therefore no harm actual or perceived arises.

The correspondence during the determination of the application is also relevant to the assessment of the alleged overlooking. Following the case officer's site visit, the Council identified 1.25m-high obscure-glazed side panels as an appropriate means of addressing the privacy concern. The Appellant accepted this amendment and revised the proposal accordingly. The Council subsequently changed its position, with a senior officer indicating that a 1.8m screen would be required because a 1.25m screen could be looked over. This is

important context to the eventual refusal, which is ultimately founded upon the potential for overlooking when an occupier is standing on the balcony. See the correspondence in Appendix 1.

The Appellant does not suggest that the Council was bound by its earlier correspondence. However, the sequence demonstrates that the privacy concern had been considered through the determination process and that the Appellant had accepted a specific mitigation identified by the Council itself. The remaining concern is essentially the possibility of views over the 1.25m screen when standing.

It is significant that the Council's own assessment concludes that the proposal is acceptable in design terms. The Officer's Report describes the development as a "light touch" addition, considers that the change to the roofscape would be modest, and concludes that the balcony would integrate effectively with the existing built form and surrounding setting. It specifically notes the presence of a similar rear balcony at No.20 Meadowfield and concludes that the proposal complies with Core Policy 57 and Appendix D of the Wiltshire Design Guide.

There is therefore no dispute in the Council's assessment as to the principle, scale, appearance or design of the balcony. The issue is confined to the potential effect upon neighbouring privacy.

The Officer's Report acknowledges that the properties within the cul-de-sac already experience "a degree of mutual overlooking". This is an important characteristic of the site and its surroundings. The properties are positioned on a steeply sloping hillside, with elevated rear gardens and established dwellings looking across and down the slope. The existing relationship is consequently not one in which neighbouring gardens are entirely private from views from surrounding properties. However, the dwellings are detached and occupy spacious, well-landscaped plots. As such, overlooking is not harmful.

The Council's concern appears to arise principally from the fact that an occupier standing on the balcony would be able to obtain views towards the neighbouring gardens to the east and west. The Officer's Report expressly acknowledges that the proposed obscure glazing would mitigate overlooking when occupants are seated, but considers that views would remain possible when an occupant is standing.

However, this distinction does not, in itself, demonstrate that there would be a materially harmful increase in overlooking.

It is an important consideration that use of the balcony would be seasonal and weather dependent. Moreover, a person standing on the proposed balcony would be occupying broadly the same elevated position as a person standing at or immediately adjacent to the existing first-floor window serving the rear of the dwelling. The relevant comparison is

therefore between the existing outlook available to an occupier of No.24 and the outlook available from the proposed external space. There would be no meaningful increase in eye level and it would not introduce a materially different line of sight from that which is already available from the first-floor accommodation.

See this in the photographs below:



See the view from the existing window:



Indeed, the report's conclusion that the harm would be “materially different” from the original outlook is stated rather than demonstrated. The fact that a person may stand on the balcony cannot, by itself, establish a materially greater degree of overlooking where a person can already stand at the existing first-floor window and look from substantially the same elevated part of the dwelling.

The Council identifies a separation distance of approximately 3.6m between the proposed balcony and the common boundary with No.78 Winsley Road to the east, and approximately 7.3m to the common boundary with No.22 Meadowfield to the west. These measurements are to the boundaries, rather than to the principal areas of private garden or the neighbouring dwellings themselves.

Furthermore, the Council's site assessment records substantial intervening vegetation, including mature trees on the neighbour’s side of the boundaries. The photographs reproduced within the Officer’s Report demonstrate the degree of existing vegetation and the restricted nature of the views towards the neighbouring properties. The Council accepts

that these features currently provide screening, although it considers that they cannot be relied upon permanently because the trees are not protected.

Whilst it is accepted that vegetation cannot necessarily be guaranteed to remain indefinitely, the appropriate assessment is nevertheless of the development proposed and its effect in its actual context. The existence of established landscaping is plainly relevant to the present relationship between the properties and to the degree of privacy experienced by neighbouring occupiers.

The photographs also illustrate that the views are not of the type that would necessarily result in direct or sustained overlooking of habitable accommodation. The principal concern identified by the Council is views towards rear garden areas. In a sloping residential environment where properties already have elevated and reciprocal outlooks, some degree of intervisibility between gardens is an existing characteristic of the area.

It is particularly relevant that the Officer's Report acknowledges the presence of other balcony arrangements within the immediate area. The Appellant has also identified a number of comparable balcony developments within the surrounding area, including balconies positioned both to the rear of properties and, in some instances, forward of the established building line. Some of these developments have been formally approved, whilst others have been established for a considerable period without enforcement action. The photographs below show all the neighbouring properties within 200m that have balconies (an illustrated map showing their locations relative to the appeal site is included in Appendix 2 for reference). See Nos. 2 and 6 Meadowfield Close:



Nos. 8 and 10 Meadowfield Close:



Nos. 2 and 4 Grove Lease:



Nos. 6 and 8 Grove Lease:



Nos. 1 and 3 Hare Knapp:



Nos. 5 and 10 Hare Knapp:



Nos. 5 and 10 Rickfield:



Such examples are material in demonstrating the established character of the area and the extent to which external elevated amenity spaces form part of the existing pattern of development. They also demonstrate that the mere presence of a balcony, and the associated potential for some degree of overlooking, has not generally been regarded as incompatible with the residential character of the area.

In this respect, the existing balcony at No.20 Meadowfield is particularly pertinent because the Council itself relies upon it within the design assessment as evidence that the proposed balcony would be in keeping with the character and appearance of the immediate area. See No.20's balcony in the photographs below:



It would be inconsistent to recognise an existing rear balcony as part of the established character when assessing design but then attach materially different weight to the presence of balcony development when considering residential amenity, without identifying a clear distinction in the circumstances.

The additional examples shown above should similarly be considered as part of the planning context, particularly where they demonstrate that balconies and elevated external spaces are an established feature of properties within this hillside residential environment.

The Council has identified no concerns in respect of loss of light, overshadowing or overbearing impact. The Officer's Report expressly concludes that none of these impacts would occur. The proposal is also accepted to be appropriate in terms of its design and relationship with the host property and surrounding built form.

The appeal therefore turns upon whether the additional opportunity to occupy the existing first-floor level externally would result in a material and unacceptable increase in overlooking. The case is presented that it would not.

Planning Officer Report

To assist in the consideration of the Appeal, some of the paragraphs from the report issued by the Planning Officer are included below with appropriate commentary in **bold** on the relevant parts:

1. PROPOSAL

The proposal seeks planning permission for a first-floor balcony area over an existing single storey rear extension. The works would involve inserting patio doors to access the external space. Following officer's concerns in regard to potential adverse overlooking impacts, revised plans were received (29.04.2026) and consulted on for the requisite 21-day period.

The revised plans raised the height of the balcony elevations from 1.1m to 1.25m and introduced obscure glazed panels.

2. SITE DESCRIPTION/CONTEXT

This application relates to a detached dwelling, 24 Meadowfield, located within an established residential cul-de-sac area in Bradford on Avon. The host dwelling benefits from an off-road parking area to the front elevation and a detached garage.

The surrounding properties are all similar in style comprising of large, detached dwellings sitting on a steeply sloping hill overlooking the valley below. The application site sits within the Bath and Bradford on Avon Special Area of Conservation for bats.

3. PLANNING HISTORY

N/A

4. RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy:

Core Policy 2 Delivery Strategy

Core Policy 7 – Spatial Strategy for the Bradford on Avon Community Area

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Emerging Policy – Wiltshire Local Plan Review

At Full Council on 19 May, the elected members of Wiltshire Council agreed to withdraw the emerging WLP. The said Plan has no material weight for the purposes of the application.

Bradford on Avon Neighbourhood Plan 2013 – 2026 Made October 2017

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

Policy compliance will be addressed separately within this Statement.

5. CONSULTATION RESPONSES

Bradford on Avon Town Council: No objection

6. REPRESENTATIONS

One letter of support was received from a neighbouring occupier.

Bradford on Avon Preservation Trust: No objection

It is emphasised that no local objections have been raised, only support. This is particularly relevant where the proposal has been refused on neighbouring amenity grounds, as it demonstrates that the proposal is not considered harmful in practice. This should be afforded significant weight.

7. ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

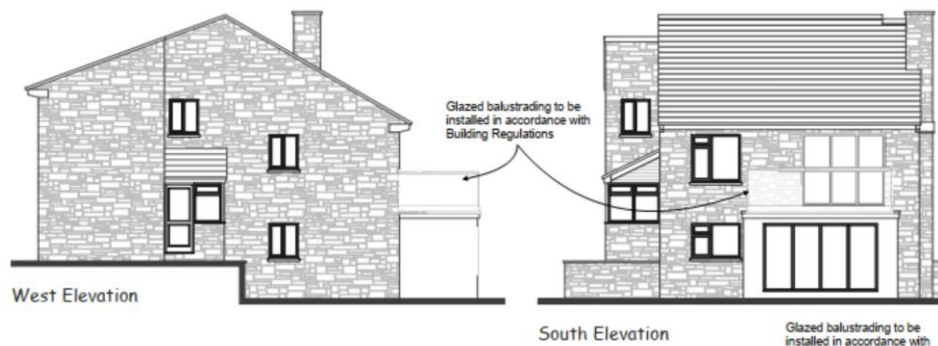
In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

7.1. Design and Impact upon the character and context of the area

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

The proposal seeks to insert a balcony area over an existing single storey extension that sits on the south rear elevation. The balcony would consist of glazed panels, sitting at a height of 1.25m with the side panels obscure glazed. The existing flat roof of the extension would have composite decking installed and the applicant seeks to remove the existing window that serves

the first floor living room and replace it with patio doors to access the balcony area. The balcony area would extend over the existing ground floor extension by a depth of 2.1m and width of 4m.



Proposed balcony area on the rear elevation of the host dwelling

The proposal would present as a light touch development with the addition of simple glazed panels, and whilst there would be some change to the roofscape of the existing rear extension the change would be modest, and would integrate effectively into the existing built form of the host dwelling and surrounding setting. The development would appear to be in keeping with the character and appearance of the immediate area with a similar development present on the rear elevation of an adjacent dwelling at No.20 Meadowfield.

It is considered that the proposal would by virtue of its height, scale and design constitute a complementary addition to the host dwelling that would appear commensurate to the size of the property and plot.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.

The Council's confirms that the proposal is a "light touch development" which would integrate effectively with the existing dwelling and surrounding setting. The Officer's Report expressly concludes that the balcony would be complementary to the host property, commensurate with its scale and plot, and in keeping with the character and appearance of the immediate area, complying with the design principles of Core Policy 57 and Appendix D of the Wiltshire Design Guide.

Importantly, the Council identifies an existing similar balcony at No.20 Meadowfield, confirming that this form of development is already established within the immediate surroundings.

7.2. Amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties. It requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens, and any proposed development therefore needs to be carefully considered accordingly.

Appendix D of the Wiltshire Design Guide expects a well-designed householder development to respect neighbouring properties, advising that they should not be unduly overbearing or unduly obtrusive, and that windows should not directly overlook neighbouring properties

The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

The proposed development has been assessed in terms of its potential impact on the residential amenity of neighbouring properties, with particular regard to loss of light, overshadowing, loss of privacy, and overbearing effects. No overbearing or overshadowing impacts or loss of light would occur to neighbouring properties given the nature of the proposal.

The Appellant accepts that the protection of neighbouring residential amenity is an important consideration under Core Policy 57(vii), Appendix D of the Wiltshire Design Guide and paragraph 135(f) of the NPPF.

The Council confirms that there would be no loss of light, overshadowing or overbearing impact. The sole issue is therefore the alleged increase in overlooking.

The proposal has been subject to revised plans as officers raised concerns that the proposal would introduce some adverse overlooking to the rear gardens of neighbouring properties.

Revised plans were received which raised the height of the side elevations of the balcony area from 1.1m to 1.25m, and the applicant proposes that the side panels would be obscure glazed to help mitigate any overlooking to the adjacent properties (at No.22 Meadowfield and 78 Winsley Road) when the occupiers are seated on the balcony area.

The proposal has been specifically amended in response to the Council's concerns. The height of the balcony side panels was increased from 1.1m to 1.25m, with the side panels to be obscure glazed. The correspondence during the application process confirms that this 1.25m treatment was identified by the case officer following a site visit as an appropriate

means of addressing the privacy concern, and the Appellant accepted and incorporated that amendment.

The proposal would introduce an accessible platform at first floor level, that would sit at a height of 2.7m, designed for external use the area would be large enough to accommodate an outdoor seating area with the potential for an outdoor dining area also, extending over an area of 8.4m². Officers acknowledge that whilst seated on the balcony area, overlooking to the adjacent properties to the east and west would be mitigated to some extent because of the obscure glazed panels.

However, the adjacent dwellings would still be subject to adverse overlooking when the applicant is stood on the balcony area. Officers visited the site and were able to access the outside space and view the surroundings. From the elevated position it was possible to gain direct sight down and into the immediately adjacent rear garden of No.78 Winsley Road to the east. In addition, officers were able to look freely towards rear gardens of properties slightly further afield surrounding the application site.

The Officer's Report acknowledges that the arrangement would mitigate overlooking when occupants are seated. The remaining concern is that a person standing on the balcony could look over the 1.25m side panels towards neighbouring gardens. However, it is respectfully submitted that this does not, of itself, establish a materially harmful increase in overlooking. The proposed balcony is directly associated with the existing first-floor accommodation, and an occupant standing at the existing rear window is already able to obtain an elevated outlook from substantially the same part of the dwelling. The Council has not demonstrated, by reference to the relative eye levels, viewing angles or actual extent of additional garden visible, why the proposed balcony would create a materially different relationship with neighbouring properties.

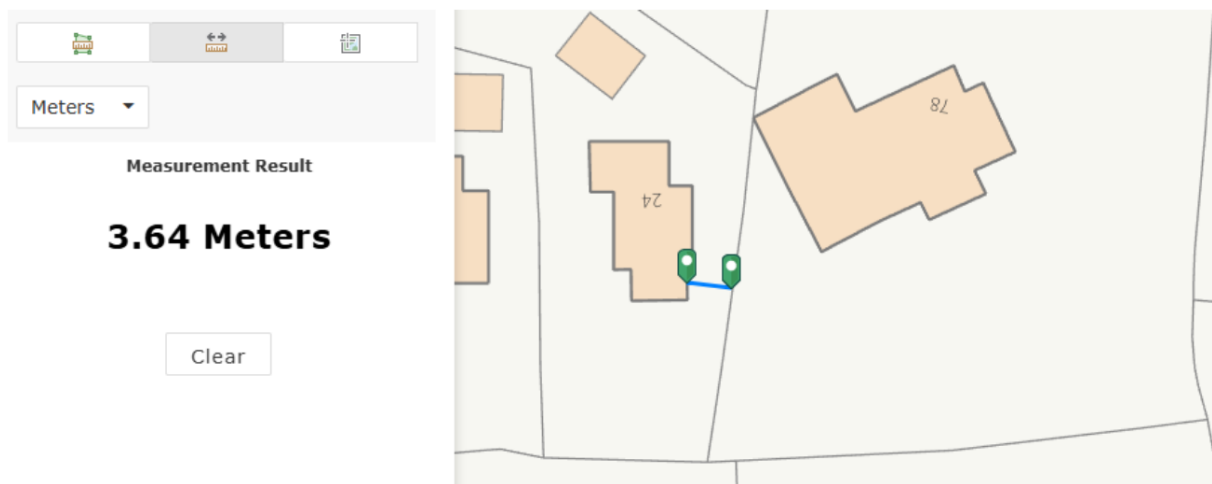
The site photos below illustrate views across from the proposed raised platform area to the private residential rear curtilages of the adjacent dwellings. The photos were taken in April when the mature trees and shrubs were in full leaf.



View from the proposed balcony area to the south (rear)



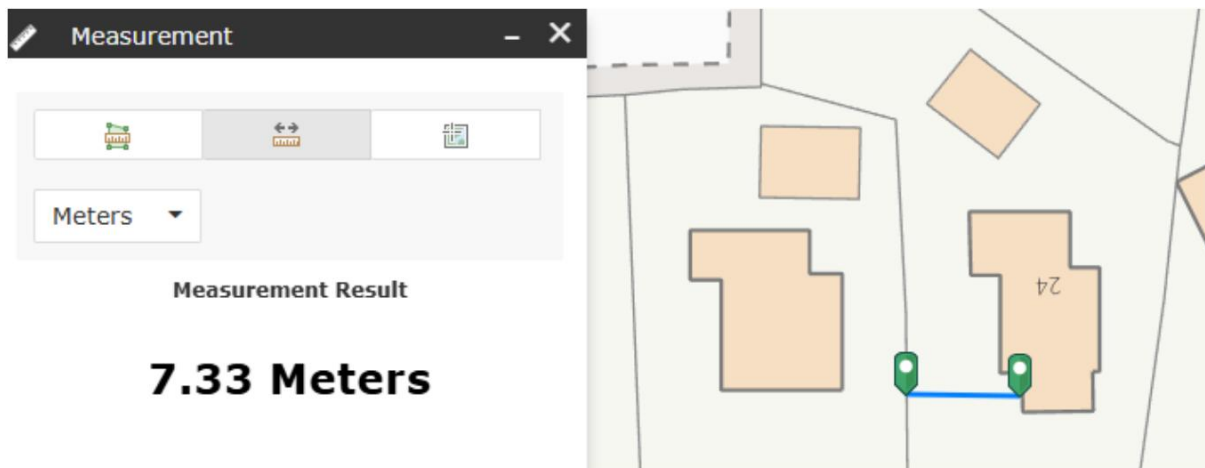
View from the balcony area to the neighbouring garden to the east No.78 Winsley Road



In the map insert above the separation distance from the proposed first floor balcony area to the common shared boundary with the neighbour to the east at No.78 Winsley Road is identified as 3.6m.



View from the proposed balcony area to the neighbouring garden to the west No.22 Meadowfield



In the map insert above the separation distance from the proposed first floor balcony area to the common shared boundary with the neighbour to the west at No 22 Meadowfield is identified as 7.3m.

The Council's preferred 'general rule of thumb' would be of 21 metres between habitable windows of adjacent properties and 10.5 metres between first floor habitable windows and neighbour's gardens (which approach has been accepted as good practice by the Planning Inspectorate)

Officers consider that the sense of being overlooked from this vantage point to some neighbouring occupiers would be both real and materially different from anything that may have been experienced from the original outlook from the existing first floor window. Therefore, officers are of the opinion that this would likely be intrusive and detrimental to neighbours' living conditions.

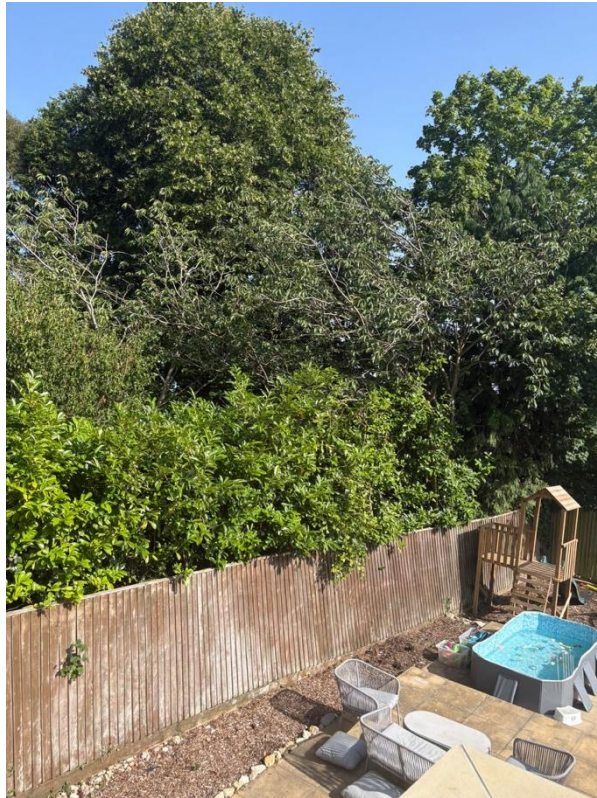
The Council refers to its general guideline of 10.5m between first-floor habitable windows and neighbouring gardens. However, the proposed development is not a new habitable-room window directly facing a neighbouring garden. It is a modest external amenity space above an existing extension, with obscure-glazed side panels specifically introduced to restrict views. The separation distances quoted by the Council are also to the common boundaries, rather than to the neighbouring dwellings or the principal areas of private garden, as clear from the maps above. The properties are detached and set in spacious plots. The guideline therefore cannot reasonably be treated as determinative without considering the particular physical circumstances of this site.

The Council's site visit confirms that views towards neighbouring gardens are possible from the proposed position, but the existence of a view does not necessarily equate to unacceptable overlooking. This is reflected in the lack of objections from the neighbouring occupiers. The Officer's Report itself acknowledges that the properties within the cul-de-sac already experience a degree of mutual overlooking, and that balcony arrangements are present within the immediate area. The surrounding hillside context, elevated rear gardens

and established relationship between the dwellings are therefore important considerations when assessing the extent to which the proposal would actually change existing levels of privacy.

The photographs included in the officer's report above were taken in spring, and are somewhat zoomed in, which creates the illusion of proximity. The photographs below were taken by the appellant in late summer, showing mature landscaping and with no zoom for an accurate view:





It is acknowledged that there are intervening boundary features in the form of mature trees and shrubs on both sides of the common shared boundary between the host dwelling and the properties to the east and west. However, the presence of existing mature soft landscaping treatments cannot be relied upon to ensure that no overlooking would occur given the potential for these trees to be removed at any point in the future. The application site does not lie within a conservation area, and the trees are not subject to Preservation Orders, so permission would not be required for these trees to be removed.

The presence of mature trees and shrubs on the intervening boundaries is relevant to the existing relationship. Whilst it is accepted that vegetation cannot be guaranteed permanently, it nevertheless forms part of the current physical context and character against which the proposal must be assessed. The Council's photographs were taken when this vegetation was in leaf and demonstrate the existing screening. The fact that the vegetation is not protected does not mean that it should simply be disregarded in assessing the present impact of the development.

The properties within the cul-de-sac already experience a degree of mutual overlooking and officers are cognisant that some balcony arrangements are present within the immediate area, however the outdoor space at No 24 would provide an opportunity for prolonged use, especially during fine weather and at times when others would be likely using their rear garden spaces where a degree of privacy would reasonably be expected.

The suggestion that the balcony would provide an opportunity for “prolonged use” also needs to be considered in context. A balcony of approximately 8.4m² is a modest domestic amenity space, weather-dependent, and its use for sitting or dining is precisely the use for which the proposed obscure-glazed side panels provide mitigation. The Council's remaining concern is consequently dependent to a significant degree upon an occupier standing on the balcony and looking towards neighbouring gardens. That possibility is insufficient to demonstrate unacceptable residential harm.

The harm identified means that the proposed works would conflict with WCS Policy CP57 where it seeks to ensure development is compatible with adjoining buildings and uses, including having regard to levels of privacy. For the same reason there is conflict with the National Planning Policy Framework's objectives for achieving well-designed places with a high standard of amenity for existing and future users.

It is considered that the proposal would materially increase the level of actual and perceived overlooking, and it is considered that the harm would be unacceptable in this instance.

Consequently, the proposal is not considered to satisfy adopted local design guidance and safeguard appropriate levels of amenity for neighbouring occupiers as required by CP57 (vii).

The proposal therefore conflicts with Paragraph 135(f) of the National Planning Policy Framework (NPPF), for failing to provide a high standard of amenity for existing and future users, Core Policy 57 point vii in respect of safeguarding residential amenity and also Appendix D of the Wiltshire Design Guide.

Overall, the proposal would not introduce a new elevated storey or a fundamentally different relationship between the properties. It would provide a modest balcony above an existing extension, with obscure-glazed side screening, in a location where mutual overlooking already exists and where similar balcony arrangements form part of the established local context. Given the absence of any loss of light, overshadowing or overbearing effect, and the limited nature of the remaining privacy issue, the evidence does not demonstrate that the proposal would result in an unacceptable or materially harmful increase in overlooking.

7.3. Ecology Impact

Core Policy 50 of the Wiltshire Core Strategy seeks to protect and enhance biodiversity and geodiversity, including through ensuring that development avoids harm to protected species and habitats.

The National Planning Policy Framework (NPPF), in Paragraphs 193, requires that development minimises impacts on and provides net gains for biodiversity, including ensuring mitigation is secured where harm cannot be avoided.

The application site sits within the Bath and Bradford on Avon Special Area of Conservation for bats and as this application involves disturbance within the application site due consideration has to be given to the potential disturbance of any bats because of the proposed development.

Given the established high density urban residential nature of the location, it is considered highly unlikely that any bats would be affected and significant effects relating to the disturbance to bats can be ruled out.

As a precautionary measure an informative would be added to any decision that in event any evidence of bat activity is detected that the applicant should follow the advice of a professional ecologist or contact Natural England.

As such, the development complies with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

The Report confirms that, notwithstanding the site's location within the Bath and Bradford on Avon Special Area of Conservation for bats, the established urban residential nature of the site means that it is highly unlikely that bats would be affected and that significant effects arising from disturbance can be ruled out.

The Council is therefore satisfied that the proposal complies with Core Policy 50 of the Wiltshire Core Strategy and the relevant provisions of the NPPF. The proposed precautionary informative provides an appropriate safeguard should any evidence of bat activity be encountered during the works.

Accordingly, there is no outstanding ecological matter preventing the appeal proposal from being acceptable.

7.4. Biodiversity Net Gain

Householder planning applications are exempt from the requirement to deliver Biodiversity Net Gain under Schedule 7A, Section 4(2)(a) of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021.

It is confirmed that the proposal is BNG exempt.

National Planning Policy Framework

It is important to respectfully draw the Inspector's attention to the relevant provisions of the NPPF, published in August 2026. The Framework represents a comprehensive revision of national planning policy and places renewed emphasis on delivering sustainable development, increasing housing supply, making effective use of land, supporting urban intensification and securing high-quality design.

The following provisions are particularly relevant to the consideration of development proposals.

Section 3 – Decision-Making Policies

The NPPF promotes a positive approach to decision-making, with planning decisions expected to support sustainable development and take account of the development plan as a whole.

In determining this appeal, the proposal should therefore be considered in the context of its established residential setting and its modest scale and nature. The development represents an alteration to an existing dwelling within an established residential area and does not introduce a new use or fundamentally alter the character of the site.

Where potential concerns can be satisfactorily addressed through appropriate design or mitigation, these matters should be considered in the context of the proposal as a whole. In this case, the balcony has already been amended in response to the Council's concerns, including the introduction of 1.25m-high obscure-glazed side panels to mitigate potential overlooking.

Section 4 – Achieving Sustainable Development

The Framework establishes a presumption in favour of sustainable development and requires development proposals to be approached positively.

The appeal proposal represents a modest alteration to an existing dwelling within an established residential settlement. It makes effective use of the existing built form without requiring additional land, a new building or an expansion of the established residential use.

The proposal should therefore be assessed as an appropriate form of small-scale development within the existing settlement, having regard to its design, relationship with the host dwelling, neighbouring properties and the surrounding character.

Section 12 – Making Effective Use of Land

The NPPF places emphasis on the effective use of land and supports the efficient use of existing developed sites, particularly within established settlements.

The proposal makes effective use of the existing built form by providing an external amenity space above an existing single-storey rear extension. It does not require additional land or result in significant physical expansion of the dwelling.

The modest scale of the proposal, together with its location to the rear of the property, means that it represents an appropriate form of adaptation to an existing dwelling whilst respecting the established context of the site.

Section 14 – Achieving Well-Designed Places

The NPPF confirms that achieving high-quality design is fundamental to sustainable development. Development should function well, be visually attractive, respond sympathetically to local character and provide a high standard of amenity for existing and future users.

The Council's own assessment confirms that the proposal satisfies these principles. The Officer's Report describes the balcony as a “light touch development”, considers that the change to the existing roofscape would be modest and concludes that it would integrate effectively with the existing dwelling and surrounding setting.

The Council further concludes that the balcony would be complementary to the host dwelling, commensurate with the size of the property and plot, and in keeping with the character and appearance of the immediate area. The presence of a similar balcony at No.20 Meadowfield, as well as numerous other dwellings in the surroundings, is also recognised.

The proposal therefore accords with the Framework's objectives for well-designed places. In particular, it demonstrates that appropriate change and adaptation to an existing dwelling can be achieved without harm to the character of the surrounding area.

The Framework also requires development to provide a high standard of amenity for existing and future users. In this case, the Council identifies no unacceptable impact in terms of loss of light, overshadowing or overbearing effect. The sole remaining concern relates to potential overlooking, which has been addressed through the proposed obscure-glazed side panels and is considered in detail in this Statement.

Local Planning Policy Context

The relevant parts from the Wiltshire Core Strategy (2015) and the Wiltshire Design Guide with commentaries under each are set out below.

Core Policy 57

Ensuring high quality design and place shaping

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

- i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
- ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
- iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
- iv. being sympathetic to and conserving historic buildings and historic landscapes

- v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
- vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area
- vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
- viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site
- ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)
- x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials
- xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future
- xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm
- xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place
- xiv. meeting the requirements of Core Policy 61 (Transport and New Development).

In line with Core Policy 57(vii) and Appendix D of the Wiltshire Design Guide, the proposal safeguards neighbouring residential amenity. The Council itself confirms that there would be

no unacceptable loss of light, overshadowing or overbearing impact. The balcony is a modest addition to the existing dwelling and incorporates 1.25m-high side panels with obscure glazing specifically to limit overlooking of neighbouring properties.

Whilst the Council considers that some views may remain when an occupier is standing, the Appellant submits that this does not amount to unacceptable overlooking. The existing first-floor accommodation already provides an elevated outlook from substantially the same position, and the Council has acknowledged that some degree of mutual overlooking already exists within the cul-de-sac. The proposal therefore does not create a fundamentally new relationship between the properties.

The proposal is also consistent with the character of the area, where similar balcony arrangements exist, and the Council has expressly concluded that the design is appropriate and complementary to the host dwelling.

Conclusions

The appeal is against a refusal of planning permission by Wiltshire Council for the *Proposed first-floor balcony above existing rear extension* at No.24 Meadowfield, Bradford On Avon.

The proposal is a modest and appropriately designed addition to an existing dwelling within an established residential area. The Council accepts that its design, scale and relationship with the host dwelling and surrounding area are acceptable, and identifies no harm arising from loss of light, overshadowing or overbearing impact.

The sole concern is potential overlooking. However, the proposal incorporates 1.25m-high obscure-glazed side panels, and the Council's own assessment confirms that these mitigate overlooking when occupants are seated. The remaining concern relates principally to views when an occupant is standing. The Appellant submits that this does not represent a material change from the existing situation, given the elevated outlook already available from the first-floor accommodation and the existing degree of mutual overlooking within the locality, as well as the separation distances between properties.

The proposal is therefore consistent with the character and context of the area, safeguards neighbouring residential amenity to an acceptable degree, and accords with Core Policy 57, Appendix D of the Wiltshire Design Guide and the relevant provisions of the NPPF.

Recommendation

The Inspector is respectfully requested to allow this appeal.

October 2026

**HEAL Planning
11 St. Mary's Place
Shrewsbury
SY1 1DZ**

Appendices

1. Correspondence between the Appellant and Council upon site visit:

28th and 29th April, proposing a 1.25m screen which the appellant accepted:

On 28 Apr 2026, at 15:31, Parker-Miles, Selina
[REDACTED] wrote:

Good afternoon Kat

I have mused over the scheme since my site visit, and discussed with a senior officer, and I am happy to agree to the two side panels of the balcony to be opaque glazed however I think the height should sit at a height of 1.25m.

The reason for this height is that when sat dining as you suggested, a height of 1.1m still allows for overlooking to neighbouring properties.

We will need revised plans illustrating the agreed revisions, and they will have to be consulted on for a period of 21 days.

Kind regards
Nina

Selina (Nina) Parker-Miles (BA, MSc)
Planning Officer
Development Management
Place Directorate
Tel: 01225 716770

From: katherine thomas <[REDACTED]>
Sent: Wednesday, April 29, 2026 11:12
To: Parker-Miles, Selina <[REDACTED]>
Subject: Re: 24 Meadowfield, Bradford On Avon, BA15 1PL

Hi Nina

Thank you for coming to visit the proposal. We are happy to proceed with the proposed adjustment of opaque 1.25m above floor height.

We have amended the plans and upload this morning.

Please let me know if you need anything else.

Best wishes,

Kat

Sent from my iPhone

15th June, requiring 1.8m screening:

On 15 Jun 2026, at 09:36, Parker-Miles, Selina <[REDACTED]> wrote:

Good morning Kat

My apologies on the delay in responding, but I have been discussing this scheme with colleagues. Following the submission to a senior colleague they were of the opinion that the balcony heights were still not acceptable and refused to sign the decision off.

'the screens need to be min 1.8m in height above floor level and should be shown on the drawings - which then need to be conditioned with the condition stating they need to be erected in accordance with approved plans and kept in perpetuity or something similar - 1.25m can easily be looked over and without the condition there is nothing requiring them to erect the screens or keep them up if erected '

I realise this will be a disappointment to you, but they held the opinion that I previously had, that the glass panels should sit at a height of 1.8m, to avoid an overlooking impact to neighbouring occupiers.

Therefore, we would seek revised plans to illustrate this, or I'm afraid that we would have to refuse the scheme.

Kind regards
Nina

Selina (Nina) Parker-Miles (BA, MSc)
Planning Officer
Development Management
Place Directorate
Tel: 01225 716770

29th June, the Appellant's response:

From: katherine thomas <[REDACTED]>
Sent: Monday, June 29, 2026 14:47
To: Parker-Miles, Selina <[REDACTED]>
Subject: Re: 24 Meadowfield, Bradford On Avon, BA15 1PL

Hi Nina,

Thank you for your response, and apologies for our delay while we sought some further advice.

We appreciate the time taken to review the proposal, particularly following the site visit and discussions with colleagues.

We remain concerned that the requirement for 1.8 m opaque screening to both side elevations appears disproportionate in the context of the proposal, particularly as we have not identified any comparable domestic balconies locally where full-height side screening of this nature has been required. The proposed screening would also reduce natural light into the existing living room and fundamentally alter the character and usability of what is intended to be an open residential balcony.

We have attached recent photographs showing the existing relationship with neighbouring properties and the degree of screening provided by mature vegetation. Whilst we appreciate previous comments regarding the long-term retention of vegetation, the vegetation is within neighbouring ownership. They also provide context as to how the relationship is experienced during normal summer use.

We would be grateful if you could review these with your manager and clarify why the previously discussed 1.25 m opaque side screening would not adequately mitigate the identified privacy concerns, and specifically what additional impacts remain that necessitate 1.8 m screening.

The proposed balcony is intended for normal residential enjoyment, where occupants would predominantly be seated for activities such as dining and relaxing. A 1.8 m screen is substantially above seated eye level and appears to address only the possibility of a person standing directly at the edge of the balcony. We would respectfully suggest that planning decisions should assess the likely and reasonable use of a development, rather than a theoretical worst-case scenario. A 1.25 m opaque side screen, together with the proposed front balustrade, would provide a proportionate balance between safeguarding neighbouring amenity and delivering a well-designed addition to the dwelling.

We are keen to fully understand the Council's position before deciding whether to pursue an appeal and remain hopeful that a proportionate solution can be reached.

Kind regards,

Kat

2. Illustrated map showing the locations of all the neighbouring properties within 200m that have balconies:

