

Appeal Decision

Site visit made on 16 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/N4720/D/16/3154497

144 Tinshill Road, Horsforth, Leeds LS16 7PN

- 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 Mrs D Lewis against the decision of Leeds City Council.
 - The application Ref 16/01676/FU was refused by notice dated 13 May 2016.
 - The development proposed is the construction of rear first floor balcony.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed balcony on the living conditions of the occupiers of neighbouring properties with particular regard to privacy.

Reasons

3. The proposal is to erect a first floor balcony at the rear of the appeal property, which is a 2-storey house that is located within a mainly residential area. Although modest in depth, the new balcony would be relatively wide and it would provide a platform on which people would be able to stand or sit out.
 4. Obscure glazed screens would be placed at each side of the new addition to prevent direct overlooking towards the dwellings on each side of the site, which are 142 and 146 Tinshill Road. Nevertheless, the screens would not prevent views from the proposed balcony towards and across the back gardens of these adjacent dwellings.
 5. From what I saw, the overlooking possible of these adjacent rear gardens from the existing first floor rear window of No 144, from which access to the new balcony would be taken, is considerable. However, the proposal would provide an appealing place for a small number of people to gather outside. In doing so, it is likely that the overlooking of the gardens on each side of the site would be more sustained than from the existing rear-facing first floor window. Furthermore, the proposed screens, which would be evident from the back gardens of Nos 142 and 146, would clearly signal the presence of the new balcony, which, in turn, would heighten a sense of being overlooked for these neighbouring occupiers.
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6. For these reasons, I consider that the proposal would unduly impinge of the enjoyment of the rear gardens of Nos 142 and 146 because their occupiers would experience and perceive a significant additional loss of privacy.
7. A reasonably generous distance would separate the proposal and the properties beyond the rear of the site that address Dale Park Avenue. Existing boundary fences would also largely screen the gardens of these nearby properties given the oblique angle of view from the new balcony. As such, I consider that the additional overlooking possible of the Dale Park Avenue houses and gardens would have no significant impact on the living conditions of their occupiers.
8. Nevertheless, I conclude on the main issue that the proposed balcony would unacceptably harm the living conditions of the occupiers of Nos 142 and 146. Accordingly, it conflicts with Policy GP5 of the Leeds Unitary Development Plan Review. This policy seeks to ensure that development proposals resolve detailed planning considerations with particular regard to amenity.
9. The proposal would also be at odds with the Council's Householder Design Guide Supplementary Planning Document, which states that raised platforms will only be acceptable where they do not directly overlook neighbouring gardens. In addition, the appeal scheme would fail to adhere to a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupiers of land and buildings.
10. At the site visit, I observed that two properties close to No 144 had rear first floor balconies. However, few background details have been provided of these structures and the Council states that it has no record that the balcony at the rear of No 148, which is closest to the site, has planning permission. Consequently, this particular case does not necessarily set a precedent. Reference is also made to other similar balconies elsewhere that the appellant states have been granted planning permission. However, from the limited information provided I cannot be certain that their particular circumstances are the same as, or are very similar to, the appeal scheme. In any event, each proposal should be assessed on its own merits, as I have done in this instance.

Conclusion

11. Overall, for the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR