
Appeal Decision

Site visit made on 6 December 2016

by Beverley Doward BSc BTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/C2708/W/16/3158218

9 Raikeswood Drive, Skipton, BD23 1NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Giles Bateman against the decision of Craven District Council.
 - The application Ref 63/2016/16881, dated 20 April 2016, was approved on 11 July 2016 and planning permission was granted subject to conditions.
 - The development permitted is 'Demolition of conservatory. Single storey extension with balcony over.'
 - The condition in dispute is No 3 which states that: 'The proposed balcony shall have 1800mm high obscured glass screens installed on both the west and eastern elevations.'
 - The reason given for the condition is: 'To safeguard the residential amenities and privacy of neighbouring occupiers'.
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Decision

1. The appeal is allowed and the planning permission Ref 63/2016/16881 for Demolition of conservatory. Single storey extension with balcony over at 9 Raikeswood Drive, Skipton, BD23 1NA granted on 11 July 2016 by Craven District Council, is varied by deleting condition No 3 and replacing it with the following condition:
 - 1) A 1800mm high obscured glass screen shall be installed on the western elevation of the balcony hereby permitted.

Background and Main Issue

2. The appeal site is a semi detached dwelling in a residential area. Planning permission was granted in July 2016 for the demolition of an existing conservatory at the rear of the dwelling and its replacement with a single storey extension with a balcony over the top. The plans submitted with the planning application indicate a 1800mm high obscure glazed screen to the western elevation of the balcony and a 1100mm high glazed balustrade to the southern and eastern elevations of the balcony. The condition in dispute requires the installation of 1800mm high obscured glass screens to be installed on both the western and eastern elevations of the balcony.
 3. The main issue is whether the condition in dispute is necessary and reasonable having regard to the living conditions of neighbours, in particular the privacy of the occupiers of No 7.
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Reasons

4. Due to the topography of the area the land falls away to the south and to the east of the appeal site. The dwelling is set over three floors and the single storey rear extension would be sited at the lower ground floor level, adjoining the western boundary of the site. The balcony would be accessed from the dining room on the ground floor of the dwelling.
5. A degree of overlooking of gardens is a common feature of residential properties, particularly where, as is the case here, there are changes in ground levels. The requirement of the condition to install a 1800mm high obscured glass screen on the western elevation of the balcony is not a matter of dispute between the parties and, given the siting of the extension along the common boundary with the adjoining dwelling at No 11, I consider that this aspect of the condition is both necessary and reasonable in order to safeguard the residential amenities and privacy of the neighbouring occupiers at No 11.
6. The eastern elevation of the balcony would be about 5.7 metres away from the boundary with the neighbouring dwelling to the east (No 7) which is delineated by fencing and a mature laurel hedge. Notwithstanding that the appeal property is set at a higher level than No 7, the boundary treatment, along with the intervening distance mean that any views from the balcony of the rear garden of No 7 would be restricted such that I consider that there would be no material harm to the living conditions of the occupiers of that dwelling with regard to privacy. Accordingly, I consider that it is not necessary or reasonable for the condition in dispute to require the balcony to have a 1800mm high obscured glass screen to be installed on its eastern elevation to safeguard the residential amenities and privacy of the neighbouring occupiers at No 7.
7. Having regard to all of the above therefore, I shall delete condition 3 and to ensure clarity shall replace it with a new condition requiring the installation of a 1800mm high obscured glass screen on the western elevation of the balcony only. As such there would be compliance with policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 and the core planning principle of the National Planning Policy Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
8. I have considered the other conditions attached to the permission but there is no evidence before me that leads me to conclude that it is necessary to vary any of these.
9. I note that other dwellings on Raikeswood Drive have balconies without obscure glazed screens. However, each planning application and appeal needs to be considered on its own merits taking into account the context of the specific site and its surroundings. I have considered the appeal on this basis. Therefore, the presence of other balconies in the area has not been determinative in my consideration of this appeal.
10. For the reasons given above I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

Beverley Doward

INSPECTOR