



Appeal Decision

Site visit made on 14 October 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/W4705/D/19/3234636

4 Birkshead Mews, Wilsden, Bingley BD15 0FL

- 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 D Gratton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01297/HOU, dated 22 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is a first floor balcony to rear of existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor balcony to rear of existing house at 4 Birkshead Mews, Wilsden, Bingley BD15 0FL in accordance with the terms of the application, Ref 19/01297/HOU, dated 22 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Location Plan Dwg No 01; Existing Site Plan Dwg No 02; Proposed Site Plan Dwg No 03; Proposed Balcony Floor Plan Dwg No 04; and Proposed Elevations Dwg No 05.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupiers of No 3 Birkshead Mews with particular regard to privacy.

Reasons

3. The appeal property is a detached house which appears two storey at the front but is three storey at the rear. The neighbouring property, No 3, is a two storey house and it is set back in relation to No 4, and so its rear elevation projects beyond that of the host property. This neighbouring property has a relatively modest rear garden that is at a slightly higher level than that of the host property.
4. At present, No 4 has patio doors with a Juliet balcony and 2 other windows on the first floor rear elevation. These serve the combined kitchen / dining room. From these windows and particularly the patio doors / Juliet Balcony, views are possible of a large part of the rear garden of No 3.

5. The proposed balcony would clearly project further from the rear elevation than the current Juliet balcony. Nevertheless, given the views of the neighbouring garden that are already possible from the host property, any additional overlooking created by it would be minimal. Furthermore, as the balcony would not project beyond the rear elevation of No 3, it would not have an unduly intrusive or overbearing impact on the occupiers of the property.
6. As such, I am satisfied that the proposal would not have an unacceptable impact on the living conditions of the occupiers of No 3 Birkshead Mews with particular regard to privacy. Therefore, it would accord with Policy DS5 of the *Bradford Core Strategy Development Plan Document (adopted July 2017)* which amongst other things seeks to ensure that developments do not harm the amenities of existing residents.
7. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord.

Alison Partington

INSPECTOR