



Appeal Decision

Site visit made on 3 September 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/E2001/W/19/3231244

Apt 4 Mentone House, West Hill, Woodfield Lane, Hessle HU13 0ER

- 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 M Slade against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/00433/PLF, dated 30 January 2019, was refused by notice dated 17 April 2019.
 - The development proposed is construction of a balcony to serve as a fire escape from first floor apartment bedroom and guest room (retrospective application).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The balcony has already been constructed and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring properties, in relation to privacy, light and outlook.

Reasons

4. The appeal site is a large detached house located in private gardens within the Hessle Southfield Conservation Area. The building has been converted into 6 flats and this appeal concerns flat No 4 of Mentone House. The new balcony is on the rear of the building at first floor level and is accessed via a new door from the existing bedroom.
5. It was evident from my site visit that two windows belonging to flat No 2, on the ground floor, lay directly beneath this new balcony. Despite the limited projection of the balcony out from the wall and its orientation, it sits very close to the tops of the windows below and adversely affects the light reaching those windows. Its closeness and views from the ground floor windows of the underside of the deck, also mean that it is an overbearing feature.
6. The balcony also afforded clear views down into a neighbouring bedroom window. This window is situated slightly forward and to the side of this structure, allowing views into this room despite the obscure glazing to the

lower half of the window. Thereby causing an unacceptable loss of privacy to the residents of this neighbouring dwelling.

7. The new balcony also afforded views over the neighbouring garden of the Coach House. However, the existing windows of No 4 already overlook this property and some screening is provided by the existing trees and shrubs. Therefore, any loss of privacy to the occupiers of the Coach House would be minimal.
8. I have taken into consideration the appellant's requirement of the balcony as a fire escape and recognise that the occupants of the flat wish to feel safe and enjoy their home. However, there is an existing communal fire escape and no substantive evidence that occupation of the flat would be unsafe in the absence of this additional fire escape. Consequently, I find that this argument holds limited weight and does not outweigh the harm I have identified above.
9. Furthermore, the appellant references the lack of objections from the neighbouring flats; this does not outweigh the harm I have identified or alter my decision.
10. Therefore, I conclude that this balcony has a negative impact on the living conditions of the occupiers of flat No 2 in relation to privacy, light and outlook. Consequently, it fails to comply with policy ENV1 (B.4), of the East Riding Local Plan Strategy Document 2012-2029 (adopted 2016) and paragraph 127 of the National Planning Policy Framework (2019). This relates to development having regard to the living conditions of the present and future users of existing properties.

Other Matter

11. The appellant's Appeal Statement raises an issue about a disagreement with the Local Planning Authority (LPA) in relation to information discrepancies during the planning process. However, no evidence has been provided on this matter. Therefore, I can give this issue little consideration and it remains a matter between the appellant and the LPA. As such I have paid little regard to it in this decision.

Conclusion

12. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR