
Appeal Decision

Site visit made on 26 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/E2001/D/19/3236580

Loggie Lodge, 3 Spire View, Hessle HU13 0SF

- 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 Gary Clarke against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01194/PLF, dated 5 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is the construction of a covered balcony to front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this reflects the amendment that was made to the application to remove a proposed seating area to the existing gable roof garage.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of surrounding residential properties with regard to privacy and overlooking.

Reasons

4. The appeal property is a detached two-storey dwelling. It is located within a courtyard development of similar style properties in a predominantly residential area. The appeal property sits adjacent to the rear garden of 3 Salisbury Street that runs along the side of the property.
5. The proposed balcony would be positioned at the first-floor level of the property on the front elevation. It would overlook, and be clearly visible from, the rear garden of 3 Salisbury Street. Due to its siting and elevated position, the proposed balcony would result in a significant loss of privacy and an unacceptable level of overlooking of the garden of 3 Salisbury Street. Due to the rear gardens of other properties being further away from the appeal property, I find that the effect on those properties would not be unacceptable.
6. I acknowledge that the garden of 3 Salisbury Street is long, with some sections being unaffected by the proposal. I also observed that the garden has a number of mature landscape features. The appellant contends that the first 3-4

metres of a garden is often the most private area, which in this instance would be screened from the proposed development by landscape features. I do not consider that the occupants of 3 Salisbury Street should feel confined to part of their garden due to the harmful effect of the proposal which I have identified. On my site visit I observed that the part of the garden that would experience the greatest impact was lawned and contained play equipment suggesting it was a well-used part of the garden and more than a transitional space as has been suggested by the appellant.

7. The appellant invites me to consider the installation of a 1.8 metre high privacy screen on the side elevation of the balcony, presumably with a view to overcoming the Council's concerns in relation to privacy and overlooking. Although such a measure could be secured by an appropriate planning condition, I consider that such a screen would only marginally alleviate the harm that I have identified, which would be predominantly in a forward direction.
8. I therefore conclude that the proposed balcony would cause significant harm to the living conditions of occupants of 3 Salisbury Street with regard to privacy and overlooking. It would be contrary to Policy ENV1 of the East Riding Local Plan (2016) which requires, amongst other things, that development has regard to the amenity of existing properties.
9. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
10. The proposal would also be contrary to guidance contained in the East Riding Design Guidance for Home Extensions which outlines that such balconies are only acceptable if they do not introduce significant overlooking of neighbouring rear gardens.

Conclusion

11. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR