
Appeal Decision

Site visit made on 11 October 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/E2001/D/21/3275125

8 Riviera Drive, Sewerby YO15 1EL

- 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 Griffiths against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/03645/PLF, dated 4 November 2020, was refused by notice dated 5 March 2021.
 - The development proposed is replace Juliet balcony with exterior balcony.
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Decision

1. The appeal is allowed, and planning permission is granted to replace Juliet balcony with exterior balcony in accordance with the terms of the application ref: 20/03645/PLF, dated 4 November 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 2009D 2.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of No 6 Riviera Drive with regard to privacy, overlooking, loss of light and outlook.

Reasons

4. Riviera Drive is a small cul-de-sac of detached and semi-detached properties. Dwellings on the western side are mostly semi-detached bungalows with first floor accommodation provided within the roof space. These properties have small, shallow gardens that face towards a public open space and have sea views.
5. No 8 Riviera Drive has a small dormer window in the rear roof slope with patio doors which open on to a flat roofed area recessed into the roof space. The doors provide light into a bedroom.

6. No 6 Riviera Drive has been extended at ground floor and at first floor it has a large dormer window. In addition to the rear facing window the dormer has a side window facing towards No 8.
7. I saw at my site visit that much of the garden of No 6 cannot be viewed from the doors in the dormer or the recessed flat roof at No 8 because the extensions projecting out from the back of No 6 at ground floor largely obscure views into the rear garden. Moreover, placing a privacy screen adjacent to the side of the proposed balcony would limit existing views towards No 6 from the patio doors as well as views from the proposed balcony.
8. I have had regard to the objections of the neighbour at No 6 that the balcony would result in a loss of light and view from the side window within their dormer. However, I agree with the Council that the side window acts as a secondary light. The large rear facing window in the dormer of No 6 provides a good level of light into the first-floor area and sea views are clearly visible from the rear window. Consequently, neither the balcony nor the proposed privacy screen would be detrimental to the living conditions of No 6 in respect of outlook and loss of light.
9. Overall, the provision of a balcony would not harm the living conditions of No 6 Riviera Drive with regard to privacy, overlooking, loss of light or outlook. The proposal would accord with Policy ENV1 subsection B.4 of the East Riding Local Plan 2012 – 2029 Strategy Document where it supports development which has regard to the amenity of existing properties. It would also accord with the Framework where it seeks to ensure that development has a high standard of amenity for existing and future users.

Other Matters

10. The Council did not raise any concerns in respect of noise from the balcony or about the balconies design. Following my site visit and considering the limited size of the balcony and the adjacent development at No 10 I see no reason to disagree.

Conditions

11. In addition to the standard time limit condition, I have attached a plans condition as this provides certainty. The materials of construction are clear on the submitted plans and therefore a condition requiring matching materials is not necessary.

Conclusion

12. For the reasons set out above, the proposal would accord with the development plan. Therefore, the appeal is allowed subject to conditions.

Diane Cragg

INSPECTOR