



Appeal Decision

Site visit made on 24 May 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/N4720/D/22/3295601

3 Junction Houses, Castleford WF10 2LN

- 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 Mrs Sharon Redfearn against the decision of Leeds City Council.
 - The application Ref 21/07817/FU, dated 19 September 2021, was refused by notice dated 1 March 2022.
 - The development proposed is a rear balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council consider that the proposal would not represent inappropriate development in the Green Belt as defined in the National Planning Policy Framework (the Framework). I concur with that position.

Main Issues

3. The main issues are the impact of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of adjacent dwellings with reference to overlooking.

Reasons

Character and appearance

4. The proposed balcony would be located on the rear elevation of the dwelling. However, it would be clearly visible from outside of the appeal site because it would be constructed at first floor level and because the elevation faces towards the river, alongside which there is a footpath. Existing boundary vegetation and walls would provide some level of screening, but this is sporadic and it would not serve to reduce the overall visual impact of the proposal from a number of vantage points. The proposal would as a result be clearly visible from views taken within the surrounding area.
5. The host dwelling forms one half of a semi-detached property. There remains consistency in terms of the heights, widths and roofs of these two dwellings, although the fenestration on their rear elevations differs. Nonetheless, the proposed balcony in its elevated position would be a visually uncharacteristic and incongruous addition in the context of what surrounds it, including with respect to the host dwelling itself, the pair of semis and the other dwellings located in the immediate vicinity. I share the view of the Council that privacy

screening would be necessary to each side of the proposed balcony to prevent harmful overlooking, which would further increase its bulk and visual impact.

6. Whilst there are balconies present on new-build dwellings in the area, these are located some distance away from the appeal dwelling and on the opposite side of the river. They are also integral to the design of the dwellings in question. Therefore, their impact is not comparable to that which would arise from the appeal proposal, and they do not provide a justification for it.
7. For these reasons, the proposed development would cause harm to the character and appearance of the host dwelling and the area. Consequently, it would fail to accord with Policy P10 of the Core Strategy Review 2019 (CS) and Saved Policies GP5 and BD6 of the Unitary Development Plan Review 2006 (UDP), where they seek to protect character and appearance. There would also be a conflict with Policy HDG1 of the Householder Design Guide 2012 (HDG) in the same regard, and with the Framework where it seeks to achieve well-designed places.

Living conditions

8. The proposal in the form submitted would allow unrestricted overlooking onto the rear garden areas of adjacent dwellings. Whilst there are already windows and doors on the rear elevation of the host dwelling, and mutual overlooking is possible when stood in rear garden areas, the presence of people standing or sitting in an elevated position on the proposed balcony would be substantially more intrusive than what can occur at the moment.
9. This harm could be overcome by the addition of screening to both sides of the proposed balcony, as this would direct vision down the garden of the host dwelling and prevent overlooking of parts of the adjoining gardens closest to their respective dwellings. However, as noted earlier in this decision letter, the presence of such screening would serve to further increase the visual impact of the proposal and would cause further conflict with respect to the first main issue in this appeal.
10. For these reasons, I conclude that whilst harmful overlooking could in principle be prevented, to do so would cause further harm with regard to character and appearance. Therefore, the securing of screening by way of a planning condition is not a viable option, and the proposal would conflict with Policy P10 of the CS and Policy GP5 of the UDP, where they aim to protect living conditions. There would also be a conflict with Policy HDG2 of the HDG and the Framework in the same respect.

Other Matters

11. I acknowledge that a letter of support was submitted during the consideration of the planning application and that the appellant has undertaken works to repair and modernise the appeal dwelling. These considerations do not however overcome the harm that would be caused by the proposed development.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight INSPECTOR