



Appeal Decision

Site visit made on 17 October 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/E2734/W/22/3302735

Flat 3, 16 Belmont Road, Harrogate, North Yorkshire HG2 0LR

- 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 Ms E Nichols against the decision of Harrogate Borough Council.
 - The application Ref 22/00431/FUL, dated 2 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is enlargement and alterations to existing first floor balcony on the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for enlargement and alterations to existing first floor balcony on the front elevation at Flat 3, 16 Belmont Road, Harrogate, North Yorkshire HG2 0LR, in accordance with the terms of the application, Ref 22/00431/FUL, dated 2 February 2022, 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 plan: 2022.003/01 Rev a.
 - 3) The railings of the balcony hereby approved shall be painted black and retained as such.

Main Issues

2. The main issues are i) whether the development would preserve or enhance the character or appearance of the Harrogate Conservation Area; and ii) the effect on the living conditions of neighbouring residents, with particular regard to privacy and noise.

Reasons

Harrogate Conservation Area

3. The appeal site lies within the Harrogate Conservation Area (HCA). In so far as it is relevant to this appeal, the HCA derives some of its essential character and significance from its unity in terms of the scale, materials and overall quality of its buildings.
4. Belmont Road is characterised by two-storey stone terraces over basements. No 16 is one of a number of properties with a first-floor front balcony, although these balconies vary in size, materials, and projection. No 16's balcony is small, sits flush with the bay window, and contains black wooden railings. The balcony at No 26 is a similar size, but projects to the edge of the overhang and

contains black metal railings. The balcony at Nos 30/32 has black wooden railings projecting out across the full width of the pair. At Kirkside Court are two sets of full-width projecting balconies with a combination of galvanised steel railings and glass balustrades.

5. The proposal seeks to extend the existing balcony out to the edge of the overhang with new metal railings. It would be prominent in so far as it would be a visible feature at the front of the property. However, due to its small scale and the prevalence and variety of such features already in the street, it would not be a disruptive or incongruous element. A planning condition could require the railings are painted black to ensure an appropriate colour treatment. The Council refers to the effect on the symmetry with the adjoining properties, but that is already the case with the current balcony. The minimal increase in projection and height of the railings would not make an appreciable difference.
6. I therefore conclude that the proposed balcony alterations would not be harmful to the host property or street scene. As such, the character and appearance of the HCA would be preserved. The proposal therefore complies with the design and heritage protection requirements of Policies HP2 and HP3 of the Harrogate District Local Plan 2020 (the HLP). The proposal also complies with the National Planning Policy Framework in this regard.

Living conditions

7. The area between the bay windows is already divided by a privacy screen, which is to be retained. Whilst the extended balcony would project marginally past the privacy screen, any user would have to sit or stand at the extremity of the balcony in order to look around the privacy screen and into No 14's bay window, which given the very limited space available, seems most unlikely. As such, I do not share the Council's concerns over loss of privacy.
8. Furthermore, I fail to see how the proposal would increase outside access and noise when the use of the balcony is already established and the increase in its size would be minimal. There is no evidence to suggest that the existing balcony has resulted in unacceptable noise and disturbance, and due to the small size of the proposal, I am content that the risk of nuisance occurring in the future as a result of the development would be low.
9. I therefore conclude that the proposed balcony alterations would not result in any unacceptable effects on the living conditions of neighbouring residents, with particular regard to privacy and noise. The proposal therefore complies with Policies HP4 and HS8 of the HLP, and the Council's House Extensions and Garages Design Guide, which together seek to prevent adverse impacts on the amenity of neighbouring residents.

Conditions and Conclusion

10. In addition to a condition relating to an appropriate colour treatment of the railings, the standard commencement and approved plans conditions are imposed for certainty. Subject to these conditions, and for the reasons given, I conclude that the appeal should succeed.

A Caines

INSPECTOR