



Appeal Decision

Site visit made on 4 December 2024 by J Reed MPlan

Decision by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/U2750/D/24/3354262

20 Firs Road, Harrogate, North Yorkshire HG2 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Hudson against the decision of North Yorkshire Council.
 - The application Ref is ZC24/01962/FUL.
 - The development proposed is 'ground floor extension, alterations to first floor windows, second floor balcony extension including new balustrading'.
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Decision

1. The appeal is allowed, and planning permission is granted for 'ground floor extension, alterations to first floor windows, second floor balcony extension including new balustrading' at 20 Firs Road, Harrogate, North Yorkshire HG2 8RD in accordance with the terms of the application, Ref ZC24/01962/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: H1044 04 Rev B.
 - 3) The balcony hereby permitted shall not be brought into first use until the metal privacy balustrade as described on drawing H1044 04 Rev B has been installed such that it prevents views through it towards No 22. The metal privacy balustrade shall be retained as such for the lifetime of the development.
 - 4) The balcony hereby permitted shall not be brought into first use until it is provided with a means of draining its surface water within the appeal site. Such surface water drainage shall be maintained for the lifetime of the development.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. From my site visit I saw that the development had been commenced. The development appeared to be in accordance with what is shown on the

submitted plans, although in any event I have dealt with the appeal on this basis of the submitted plans.

Main Issue

4. The main issue is the effect of the proposed balcony extension on the living conditions of the occupiers of No 22 Firs Road with specific regard to privacy, outlook and noise.

Reasons for the Recommendation

5. The existing balconies on No 20 and No 22 are divided by a brick wall which is to be retained. Whilst the proposed extended balcony at No 20 would project beyond that existing wall, the additional balcony area would be separated by a metal privacy screen. The screen could be secured by condition to ensure that sufficient privacy is maintained for the occupants of No 22. Whilst the privacy screen will be lower than the wall any user would have to stand at the extremity of the balcony in order to look around the privacy screen and onto No 22's balcony. Whereas, I am satisfied that normal use of the balcony would maintain sufficient privacy on No 22's balcony and rear facing habitable rooms.
6. With regard to the potential for the extended balcony to cause noise disturbance to occupants of No 22, the use of the existing balcony is already established and there is no substantive evidence to suggest that the existing balcony has resulted in unacceptable noise and disturbance. In addition, the increase in its size would be modest. As such, extension of the balcony would be highly unlikely to give rise to an increase in noise disturbance to the extent that it would be harmful to neighbours living conditions.
7. The extension to the balcony and accompanying privacy screen would be visible from the second floor windows of No 22. However, due to its shallow depth and height it would not be a visually overbearing feature for the existing occupiers of No 22. Moreover, given the position of No 22 at the end of the building, their open outlook over their own garden, the racquet club and the properties to the side would be maintained.
8. I therefore conclude that the appeal scheme would not harm the living conditions of the occupiers of No 22 Firs Road with specific regard to privacy, outlook and noise. The proposal therefore complies with Policies HP4 and HS8 of the Harrogate District Local Plan 2014-2035 (March 2020). This seeks to prevent adverse impacts on the amenity of neighbouring residents. It would also generally accord with the related guidance in the Council's House Extensions and Garages Design Guide (September 2005).

Other Matters

9. Third parties have raised concerns regarding internal works and a party wall agreement however these are not matters for consideration within the appeal. In addition, third parties have also raised concerns regarding changes to boundary fencing and using the garden as an outdoor kitchen. These are also matters that are outside of the scope of this appeal.
10. Noise outbreak from the proposed bi-fold doors to the second floor bedroom would be unlikely to be noticeably different from the existing arrangement as the room could be ventilated without having to open the doors to their full

extent. A condition is imposed to require that surface water on the proposed balcony extension is drained within the appeal site.

Conditions

11. Time limit and plans conditions are necessary and reasonable in order to provide certainty. In order to provide adequate privacy a condition has been included to secure the provision of the metal balustrade to the southern elevation in the interests of the living conditions of neighbouring occupiers.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Rachel Hall

INSPECTOR