



Appeal Decision

Site visit made on 1 April 2025 by J Reed MPlan

Decision by K L Robbie BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/A4710/D/25/3360326

10 Aire Street, Brighouse HD6 3RB

- 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 & Mrs Main against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00766/HSE.
 - The development proposed is a rear first floor balcony off kitchen.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear first floor balcony off kitchen at 10 Aire Street, Brighouse, HD6 3RB in accordance with the terms of the application, Ref 24/00766/HSE, 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: Drawing No. 2- Plans as proposed.
 - 3) The balcony hereby permitted shall not be brought into first use until the opaque glass privacy balustrade as shown on drawing No 2 - Plans as proposed has been installed and shall be retained as such 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. The refusal reason on the Council's Decision notice states that the properties on Back Aire Street are affected by the proposal when in fact it is those on Railway Street. This has been subsequently confirmed by the Council and is reflected in the main issue below.

Main Issue

4. The main issue is the effect of the proposed balcony extension on the living conditions of the occupiers of properties on Railway Street with specific regard to privacy.

Reasons for the Recommendation

5. The appeal dwelling faces the rear of properties on Railway Street, separated by Back Aire Street. The surrounding area is residential and is characterised by modest two and three storey terraced properties. The rear of the terrace containing the appeal property is staggered with its rear elevation set back from the rear façade of the adjacent property at 12 Aire Street. Railway Street runs obliquely to Aire Street and rear gardens become longer close to the appeal property.
6. The proposal would introduce a small balcony onto the rear of the property at first floor level accessed from the kitchen. Whilst it would allow views of the rear elevations and gardens of these properties the appeal property is located within an urban block where properties have rear yards and gardens and a degree of overlooking already exists.
7. The appeal plans show the balcony would be fitted with an opaque glazed screen which would mean that occupiers of the balcony when seated would not be afforded views of neighbouring properties. Furthermore, given the location and size of the proposed balcony, the impact would not be too dissimilar to the existing situation from the kitchen window of the appeal dwelling where there is already a degree of mutual overlooking over the gardens in that respect.
8. The proposed balcony also possesses a modest depth and is likely to be used for activities such as sitting where the proposed opaque privacy screen would maintain a sufficient level of privacy for garden users of Railway Street.
9. I therefore conclude that the appeal scheme would not harm the living conditions of the occupiers of properties on Railway Street with specific regard to privacy. The proposal therefore complies with Policy BT2 of the Calderdale Local Plan (2023) which seeks to secure a reasonable degree of privacy in dwellings and prevent overlooking between existing dwellings.

Conditions

10. Time limit and plans conditions are necessary and reasonable in order to provide certainty. In order to ensure that adequate privacy is maintained a condition has been included to secure the provision of the opaque glass balustrade to the rear elevation in the interests of the living conditions of neighbouring occupiers. As this is specified on the submitted plans neither party would be prejudiced by the inclusion of a condition to this effect. As the proposal is for a balcony it is not necessary to impose a condition requiring materials to match the existing building.

Conclusion and Recommendation

11. The proposal would accord with the development plan, when taken as a whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. 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

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

KL Robbie

INSPECTOR