
Appeal Decision

Site visit made on 20 September 2016

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/C2708/D/16/3154808

11 Greta Heath, Burton in Lonsdale, Ingleton, North Yorkshire LA6 3LH

- 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 & Mrs Colin Knowles against the decision of Craven District Council.
 - The application Ref 15/2016/16700, dated 24 February 2016, was refused by notice dated 8 June 2016.
 - The development proposed is first floor extension to the existing bungalow, plus a single storey extension to the west elevation and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension to the existing bungalow, plus a single storey extension to the west elevation and internal alterations at 11 Greta Heath, Burton in Lonsdale, Ingleton, North Yorkshire LA6 3LH, in accordance with the terms of application, Ref: 15/2016/16700, dated 24 February 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 plans, all received by the local planning authority on 25 February 2016: Drawing No: KL/2651/10 – 'Details as Existing'; Drawing No: KL2651/11 – 'Details as Proposed'; and Drawing No: KL/2651/12 – 'Proposed Block Plan'.
 - 3) The development hereby permitted shall be carried out in accordance with the submitted and approved Flood Risk Assessment (Ref: WDP Chartered Architects KL2539/SA/HD/ACP) as received by the local planning authority on 11 March 2016 except where alternative details have been subsequently approved following an application for a non-material amendment.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 9 Greta Heath, with particular regard to outlook and daylight.
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Reasons

3. The appeal property is situated on the south side of Greta Heath, a cul-de-sac street which comprises properties of a mix of styles and sizes with no distinctive or prevailing design or form. The dwellings on Greta Heath have good sized front gardens which create a significant distance between the properties on either side of the street. The appeal property is one of two single storey dwellings in the street with the other being at 9 Greta Heath (No 9). The topography of the local area results in properties on the north side of the street being raised above those to the south. In addition, parts of the appeal site lie within Flood Risk Zone 2.
4. With regard to the main issue, the proposed development would include an extension to the eastern side of the appeal property. The extension would have a mono-pitched roof and accommodate stores, as indicated on the plans submitted. This extension would be positioned approximately 1.2 metres from the boundary with No 9 and would be at a distance of around 2.5 metres from its side elevation and kitchen window. It would also extend to about 5 metres along the boundary between the two properties.
5. The scale and form of the proposed development would be in keeping with the properties on Greta Heath which have a mix of one and two storeys. Whilst the proposed side extension to the east elevation would be closer to the boundary with No 9 and its west elevation, it would be of a similar scale and height to its neighbouring property. The eaves height of the extension would be similar to that of No 9. Furthermore, the proposed mono-pitched roof would angle away from No 9 and its kitchen window. This slight setting back of the appeal property at first floor level would allow daylight to continue to reach the kitchen window of No 9.
6. Notwithstanding that the proposed side extension would be closer to the kitchen window of No 9, the single storey nature of the extension and its sloping mono-pitched roof away from No 9, in conjunction with the similar sloping angle of the main roof of the appeal property, would result in there being no substantive adverse overbearing effect on the occupiers of No 9 in terms of outlook. Furthermore, the proposed extension would not extend to the full depth of the appeal property and given its single storey nature and mono-pitched roof, its effect on the neighbouring occupiers would therefore not be significantly different to that which exists.
7. Whilst there would inevitably be a small impact in terms of overshadowing and with regard to the outlook of neighbours caused as a result of the increased height of the appeal property and the proximity of the proposed side extension to the neighbouring property at No 9, I find that these effect would not, either individually or, be so significant as to cause material harm to the neighbouring occupiers of No 9 with regard to outlook and daylight. Consequently, I conclude that the proposed development would not be harmful to living conditions of neighbouring occupiers at No 9. Therefore, it would accord with saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan of the National Planning Policy Framework.

Other Matters

8. Concerns have been raised with regard to matters other than those set out in the substantive issue above. These include the impact of the proposal on the

streetscene, the privacy of neighbours, on nearby trees, and the alleged use of the proposed store to accommodate a boiler.

9. I note that the proposal would be in keeping with the streetscene and surrounding properties and that this is acknowledged by the Council. In terms of overlooking and privacy, the proposal would be approximately 35 metres from properties to the north side of Greta Heath and would comply with relevant policy and guidance. In addition, from my site visit observations, I am satisfied that this would be a sufficient distance to provide an adequate level of privacy and address any reasonable concerns regarding overlooking. Furthermore, the proposal would reduce the number of windows in the east elevation of the appeal property from two to one and would reduce opportunities for overlooking occupiers of No 9 from the appeal property.
10. The trees to which concerns have been raised are outside of the appeal site. Whilst there may be some effect on these trees, albeit unlikely, with no substantive evidence on such matters before me, consequently I give this limited weight. It is alleged that the store within the proposed side extension would be used to accommodate a boiler to serve the appeal property. As a result, concerns have been raised regarding its impact on the living conditions of the occupiers of No 9. However, such a use has not been indicated on the plans submitted and there is no substantive evidence to support this. In any event, such a matter would not be a determinative factor in this appeal.
11. Whilst I appreciate the importance of the above matters to those affected, I must assess the appeal on its own merits and based on the evidence before me and I have determined this appeal accordingly.
12. As part of the appeal site lies within Flood Risk Zone 2, a Flood Risk Assessment (FRA) was submitted with the application to assess the impact of the proposal on flood risk and ensure that appropriate measures are put in place to prevent any adverse impact. I consider a planning condition to be the most suitable way to make sure that the proposal accords with the FRA.

Conditions

13. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
14. In addition to the standard implementation condition relating to time (1), I have imposed conditions specifying the approved plans (2) and ensuring that the proposal is carried out in accordance with an approved FRA (3). These conditions are necessary and reasonable in the interests of providing certainty.

Conclusion

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

Andrew McCormack

INSPECTOR