
Appeal Decision

Site visit made on 15 November 2016

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/V2004/D/16/3159678

9 Highfield Close, Kingston upon Hull HU7 4TZ

- 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 Louise Gogna against the decision of Kingston upon Hull City Council.
 - The application ref 16/00983/FULL, dated 4 July 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a two-storey side extension with gable roof and two-storey rear extension with a flat roof; dormer to the rear of the main dwelling and side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal was amended during the course of the planning application¹. I will determine the appeal on the same basis as the Council did the application.

Main Issues

3. The main issues are the effects that the proposal would have on the character and appearance of the area and on the living conditions in nos. 3 and 5 Highfield Close.

Reasons

The Site, its Surroundings, and the Proposal

4. The appeal relates to a two-storey semi-detached house that has no existing extensions. There is a driveway to the side of the dwelling along the southern boundary of the property beyond which are two pairs of semi-detached houses, nos. 1-7 (odd) Highfield Close, which back onto the appeal site. To the rear of nos. 3 and 5, close to the site boundary, is a flat-roofed garage building serving those two properties.
5. The proposal comprises three elements. The two-storey side extension would be 2.3 metres wide; be set back 0.45 metres from the main front elevation; have a depth of 8 metres, the same as the existing house; and have a pitched roof to match the existing with a slightly lower ridge height. The rear dormer extension would have a flat roof and cover virtually the whole of the rear roof

¹ Revised plan ref EH147-16-02 rev B – proposed floor plans, elevations and section A-A.

slope of both the existing house and the side extension. The two-storey flat-roofed rear extension would have the same width as the existing house and project 3.6 metres at ground floor level and 2.6 metres at first floor level.

Character and Appearance

6. From the front, the two-storey side extension, by virtue of its modest width and it being set back from and lower than the existing building, would appear subservient to the host dwelling. However, despite the reduced depth of the first floor element, the rear extension would represent a large, flat roofed addition somewhat out of character with the existing house. Furthermore, the scale and form of the flat roofed dormer would result in it completely altering the shape of the rear roof and mean that it would be an extremely incongruous feature that would detract from the existing building. In combination, the alterations to the rear of the dwelling would cause significant harm to its character and appearance and that of the wider area. As well as being seen from a number of surrounding properties, the proposal would be clearly visible from Highfield Close to the south through the gap between nos. 3 and 5.
7. I conclude on the first main issue that the proposal would cause significant harm to the character and appearance of the area contrary to national policy² and policies BE1 and BE5 of the Hull Local Plan (2000) ("local plan") and associated guidance³ which collectively seek to achieve high standards of design and ensure that house extensions are in keeping with the existing building in terms of size, siting, materials and building detail, and in keeping with surrounding buildings in terms of scale, density, height, massing, layout, rhythm and proportion.

Living Conditions

8. The side extension would introduce a two-storey wall some 8 metres in depth virtually on the rear boundary of the modest-sized back gardens of nos. 3 and 5 which are at a slightly lower level than the appeal site. The gable roof design and proposed dormer, by virtue of its height and it extending the full width of the enlarged house, would add to the bulk of development extremely close to the neighbouring gardens and not far from the rear windows in those properties, including the ground floor conservatories. Whilst the garage building at the rear of nos. 3 and 5 would stand in between, this has a flat roof and is of limited height meaning that the proposal would appear as a much larger, higher and dominating feature. Being to the north of nos. 3 and 5, the proposal would be unlikely to lead to any loss of direct sunlight, but it would be an overbearing structure that would cause significant harm to the outlook from those dwellings and their back gardens despite it not running the full length of their rear boundaries.
9. The proposal would involve the removal of an existing first floor window, and the proposed ensuite window could be fitted with obscure glazing meaning that the proposal could result in a greater degree of privacy at the rear of nos. 3 and 5. However, the existing window is set away from the boundary and serves a landing meaning that it is unlikely to be intensively used, and the

² National Planning Policy Framework ("NPPF") section 7.

³ SPG5: Designing a House Extension.

slight benefit that may arise in this regard would be far outweighed by the harm that would be caused to outlook.

10. I conclude on the second main issue that the proposal would materially harm the living conditions in nos. 3 and 5 Highfield Close contrary to national policy⁴ and local plan policies BE1 and BE5 and associated guidance. Collectively, these policies seek to achieve high standards of design and ensure that house extensions do not have a serious adverse effect on the amenity of nearby occupants by overshadowing, loss of privacy, loss of daylight, over dominance, creating an undue sense of enclosure, or creating poor outlook.

Other Matters

11. Whilst the appeal property could be extended to the side and rear utilising permitted development rights and this no doubt could have an impact on the character and appearance of the area and living conditions in neighbouring properties, the fact that this particular proposal requires planning permission is not in dispute. Moreover, there is no specific alternative fall back scheme to consider, and I have judged the proposal before me on its own merits. I have concluded that it would cause significant harm and be contrary to local plan policies, notwithstanding the fact that it may have been designed with the intention of fitting in with the existing house and minimising the impact on neighbours.

Conclusion

12. By virtue of the conflict with the local plan policies to which I have referred, the proposal would not be in accordance with the development plan and material considerations do not indicate that planning permission should be granted. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

⁴ NPPF paragraph 17, 4th bullet point.