
Appeal Decision

Site visit made on 10 January 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 10 February 2017

Appeal Ref: APP/N2739/D/16/3161298

Rose Lea Cottage, The Square, Hillam, Selby, LS25 5HE

- 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 M Lazenby against the decision of Selby District Council.
 - The application Ref 2016/0583/HPA (8/55/67C/PA), dated 19 May 2016, was refused by notice dated 17 August 2016.
 - The development proposed is demolition of existing double garage which will be replaced with a 2-storey side extension, 2-storey rear extension, new single garage and enlarged front porch.
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Decision

1. The appeal is dismissed insofar as it relates to *'demolition of existing double garage which will be replaced with a 2-storey side extension, 2-storey rear extension, new single garage'*.
2. The appeal is allowed insofar as it relates to *'enlarged front porch'* and planning permission is granted for *'enlarged front porch'* at Rose Lea Cottage, The Square, Hillam, Selby, LS25 5HE in accordance with the terms of the application, Ref 2016/0583/HPA (8/55/67C/PA), dated 19 May 2016, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development of the enlarged front porch hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The enlarged front porch hereby permitted shall be carried out in accordance with the following approved plans, insofar as they are relevant to the enlarged front porch: 001 rev B, 002, 003, 004 rev D, 005 rev B, 006 rev B, 007 rev B and 008 rev B.
 - 3) The materials to be used in the construction of the external surfaces of the enlarged front porch hereby permitted shall match those used in the existing building.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook and light.
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Reasons

4. Rose Lea Cottage is a 2-storey house and the proposal includes the addition of: an enlarged porch to the front elevation; as well as, 2-storey side and rear extensions, which include some single-storey elements such as a new garage.
5. The proposed front porch, which would be modest in scale and would have a dual pitched roof in keeping with the roof design of the existing house, is separable from the other proposed extensions. The Council has not objected to the proposed enlarged porch. I have no reason to do so and I conclude that the proposed enlarged porch, which would not have an adverse effect on the living conditions of neighbouring residents, would accord with the Development Plan.
6. I turn then to consider the proposed side and rear extensions. The rear, southern elevation of Rose Lea Cottage faces towards the northern head of Rose Lea Close. The appeal property's adjoining flat roofed double garage projects from the western side of the house to within a short distance of the western side boundary of the site and it extends to the southeast beyond the alignment of the back wall of the house. The appeal property shares its western boundary with No. 5 Rose Lea Close, which is a bungalow, and the section of that boundary between the 2 dwellings is enclosed by a hedgerow of a similar height to the garage of Rose Lea Cottage.
7. The eastern, front elevation of No. 5 contains a number of habitable room windows, 2 of which face across a narrow front garden area towards the hedged western boundary of Rose Lea Cottage. I consider that, given the close proximity and height of the boundary enclosure, the outlook from those 2 ground floor windows is likely to benefit greatly, in terms of sense of space, from the views above the hedge as well as the set back from the boundary and limited width of the 2-storey western gable of the appeal property.
8. The proposal includes the replacement of the existing garage with a 2-storey extension with a slightly smaller footprint. At first floor level that side extension would be set further back from the western site boundary than at ground floor level, by around 2 metres, and the extension would have a hipped roof. The proposal also includes a 2-storey rear extension, with a rear gable, the western sidewall of which would align with that of the existing house. I consider that, due to the close proximity, height and bulk of the first floor elements of the proposed side and rear extensions, they would, both individually and together, significantly increase the sense of enclosure experienced by residents of No. 5 when using: the rooms served by the 2 habitable room windows that I have identified; and also, the garden area to the north of the property. The proposed 2-storey extensions would also be likely to reduce the daylight received by those sections of the neighbouring property. I acknowledge that as the proposed 2-storey extensions would be situated to the northeast of No. 5, they would not reduce the sunlighting received by that property. Nonetheless, overall, they would have a significant detrimental effect on the living conditions of residents of No. 5, with particular reference to outlook and light.
9. A first floor habitable room window in the western side gable of Rose Lea Cottage provides views over the property's flat roofed garage towards No. 5. However, due to the angle of view, distances involved and intermediate position of the boundary hedgerow, views from there of the east facing

windows of No. 5 are limited and views of the rear garden of No. 5 are confined to a small area. In my judgement, the impact of those views on the privacy enjoyed by the residents of No. 5 is likely to be small. Therefore, whilst those views would no longer be available as a result of the proposed side extension, it would not amount to a significant improvement in their privacy. I give this matter little weight. The application plans indicate that a number of the proposed windows would be glazed with obscured glass. This could be secured by condition and would ensure that proposed new windows would not harm the privacy of neighbouring residents.

10. The western side elevation of Rose Lea House contains a set of French windows at ground floor level with a window above at first floor level. The existing outlook from the French windows, which face across the small patio area of the property towards the rear garden of Rose Lea Cottage, is reasonably open, not least as the boundary between the 2 amenity areas is only marked by a low wall.
11. The part 2-storey, part single-storey eastern sidewall of the proposed rear extension would be positioned alongside the patio area of Rose Lea House, the single storey element being directly in front of the neighbouring French windows. I consider that due to its close proximity, height and bulk, the proposed rear extension would: significantly increase the sense of enclosure experienced by residents of Rose Lea House when using the room served by their west facing French windows, and noticeably reduce the daylight it receives. It would have a notable adverse impact on the living conditions of the residents of that neighbouring property, contrary to the view of the Council and appellant.
12. I conclude on balance, that the proposed side and rear extensions would cause significant harm to the living conditions of neighbouring residents, with particular reference to outlook and light. In this respect they would conflict with the aims of Policy ENV1 of the *Selby District Local Plan, 2005* (LP) and Policy SP19 of the *Selby District Core Strategy, 2013* (CS), which, between them, require development to have regard to the amenity of adjoining occupiers and seek to secure high quality design, in keeping with the aims of the *National Planning Policy Framework* (the Framework).

Other matters

13. Whilst the Council and appellant consider that the impact of the proposed side and rear extensions on the character and appearance of the locality would be acceptable, that is not a view shared by a number of local residents, whose views I have also taken into account. The appeal property is situated within the Hillam Conservation Area. In the main, the existing cottage has a simple traditional appearance, being linear in form, with a dual pitched roof and a small front porch. Whilst the flat roofed design of its adjoining garage detracts from the character and appearance of the main dwelling to a degree, its impact in that respect is small, due to its low profile and limited scale.
14. As a result of the proposed side and rear extensions, the rear elevation of Rose Lea Cottage would incorporate dual-pitch, mono-pitch, hipped and flat roof forms. The two-storey flat roofed element, which would extend above the eaves level of the main roof, would appear particularly awkward. The rear elevation of the property extended as proposed, which would be clearly visible from Rose Lea Close, would have an unusually complex and incongruous

appearance, unlike any other properties I saw hereabouts, including those drawn to my attention by the appellant. I consider that it would detract from the character and appearance of the property and thereby the locality. As a result, it would neither preserve nor enhance the character or appearance of the Conservation Area, albeit the harm in this respect would be less than substantial. In these respects it would conflict with the aims of LP Policies ENV1 as well as CS Policies SP18 and SP19. Insofar as these Policies seek to promote good quality development, having regard to the character of the built and historic environment, they are consistent with the aims of the Framework. I give little weight to the conflict with the requirement of LP Policy ENV25 that development within a Conservation Area preserves or enhances its character or appearance, as the Policy is not consistent with the approach of the Framework, which indicates that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

15. Whilst the appellant has indicated that the proposed extensions and associated internal alterations would provide additional accommodation needed by his family, in my judgement, neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conditions

16. The Council has identified 3 conditions that it considers should be imposed in the event of planning permission being granted for any of the proposed extensions. In addition to the normal commencement condition, I consider that a condition would be required, in the interests of clarity and good planning, to ensure that any approved extension would be carried out in accordance with the approved plans. In the interests of visual amenity, a condition would also be necessary to ensure that the materials used in the external surfaces of any approved extension would match those used in the existing building.

Conclusions

17. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the proposed *'enlarged front porch'*.
18. However, I have found that the proposed side and rear extensions would cause significant harm to the living conditions of neighbouring residents, contrary to the aims of the Development Plan and the Framework. This weighs heavily against them. I conclude on balance, having regard to the identified benefits and associated harm, that the proposed side and rear extensions would not amount to sustainable development under the terms of the Framework and that they would conflict with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the proposed *'demolition of existing double garage which will be replaced with a 2-storey side extension, 2-storey rear extension, new single garage'*.

I Jenkins

INSPECTOR