
Appeal Decision

Site visit made on 31 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 10 February 2017

Appeal Ref: APP/E2001/D/16/3163333

1 Cricket Field, Carr Lane, Goole, East Riding of Yorkshire, DN14 6NF

- 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 Kraig Barnes against the decision of East Riding of Yorkshire Council.
 - The application Ref: DC/16/02593/PLF/WESTWW PP-04777767, dated 5 February 2016, was refused by notice dated 24 October 2016.
 - The development proposed is described as being: to extend the current bungalow to a 2 storey 5 bedroom house; to the north, extend by 2 metres to the rear of the existing garage to accommodate an en-suite bathroom; to the east, demolish the current conservatory and replace with single story extension; to the south, a two story extension to cover the whole of the size from east to west.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring properties having particular regard to privacy, overshadowing and outlook.

Reasons

3. The appeal property is a modest sized bungalow with a relatively large garden. It is one of three bungalows alongside the cricket field access. No. 2 lies adjacent to the appeal property. To the opposite side of the appeal property, fronting Carr Lane, and at greater separation are two storey properties, Cedar House and Barbican.
 4. The proposed development would alter the existing bungalow to create a 3 bedroomed, two-storey, house.
 5. The single storey garage belonging to the bungalow would be retained, and the nearest wall of the proposed house would be no nearer than the nearest existing wall of the bungalow. However, due to the height and massing of the proposed two storey development and the limited separation between it and No. 2, it would have an oppressive and overbearing impact when seen from the kitchen window and main door of No. 2. There would also be an uncomfortably dominating impact when seen from the conservatory at No. 2, albeit this is tempered by the relative positions of the proposed development and
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conservatory which is at the rear of No. 2 and beyond the rear building line of the proposed first floor extension. Nonetheless, noting the close proximity of the proposed development to No. 2, it would have an unacceptable impact upon living conditions for the occupiers of that property. Furthermore, given that proximity it is likely that there would also be a modest loss of light within this neighbouring dwelling.

6. The proposed development would extend closer to the boundary with Cedar House and Barbican than the existing bungalow. Whilst there would be adequate separation so that this would not be overbearing, the proposed windows facing this direction would result in a material loss of privacy for the occupiers of Cedar Barn in particular because of inter-visibility between rooms. The appellant suggests this could be overcome by obscured glazing and limited opening of the proposed bathroom and bedroom windows. However, I do not consider that this would provide an acceptable solution in terms of living conditions for that proposed bedroom. Thus, I conclude that the appeal proposal would adversely affect the privacy of the occupiers of Cedar House which could not be overcome by a requirement for obscured glazing and restrictions on opening without resulting poor design by virtue of poor living conditions for the occupiers of the proposed property.
7. I therefore conclude that the proposed development fails to accord with Policy ENV1 of the East Riding Local Plan Strategy Document (April 2016) which supports development provided it achieves a high quality design that, amongst other things, is of an appropriate scale, massing and height, and has regard to the amenity of existing or proposed occupiers. It would also conflict with the National Planning Policy Framework which, as a core principle, always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
8. I appreciate that variety in housing design may add interest and that other properties nearby have been extended and altered, including Cedar House. I also appreciate that in some circumstances buildings extended under permitted development rights might cause overshadowing and/or loss of light. However, these matters do not justify the harm which I have identified.
9. I have not attached weight to neighbour concerns about impacts on property values as this is not a planning matter.
10. Although I have noted concerns regarding boundaries these do not directly impact on the decision in the appeal before me and concerns in this respect are a matter for civil law.
11. For the reasons set out above, I conclude that the appeal should fail.

Zoë Hill

Inspector