
Appeal Decision

Site visit made on 22 May 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/N2739/D/17/3170087

Springwell Gardens, Common Road, Barkston Ash, Tadcaster LS24 9PQ

- 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 David Lighfoot against the decision of Selby District Council.
 - The application Ref 2016/1248/HPA (8/66/62E/PA), dated 14 April 2016, was refused by notice dated 15 December 2016.
 - The development proposed is two storey side extension consisting of double garage with bedroom over.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension consisting of double garage with bedroom over at Springwell Gardens, Common Road, Barkston Ash, Tadcaster LS24 9PQ in accordance with the terms of the application, Ref 2016/1248/HPA (8/66/62E/PA), dated 14 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan LOC01 (Revision D), Proposed Plans (Revision D), Proposed Elevations (Revision D) and Site Layout Plan (Revision D).
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The extension hereby permitted shall not be occupied until the first floor window in the west side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or new openings shall be constructed at first
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floor level or above in the west (side) and south (rear) elevations of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Main Issues

2. The main issues in this appeal are:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy; and
- The effect on the living conditions of nearby residents with regard to light, outlook and privacy.

Reasons

Whether inappropriate development

3. The site is within the defined development limits of Barkston Ash and washed over by the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that new buildings in the Green Belt should be regarded as inappropriate subject to a number of exceptions.
4. The appellant has referred to these exceptions including (amongst other things) "limited infilling in villages". The appellant goes on to state that the site is within the village limits and is surrounded by residential development. I have had regard to the location of the site within the defined development limit for Barkston Ash and I saw that the appeal site is part of a residential property which is an integral part of the village extending along Common Road. I also saw that the proposal would be located within the residential curtilage of the host property and would cover a limited extent of that curtilage. The proposal would therefore represent limited infilling within a village and would not be inappropriate development in the Green Belt under the fifth exception of paragraph 89 of the Framework.
5. The main focus of the dispute between the parties is whether the proposal would be a disproportionate addition to the original building under the third exception listed in paragraph 89. However, I have concluded that the development is not inappropriate development by virtue of it representing limited infilling within a village. As the proposal would meet one of the exceptions listed in paragraph 89 it is not necessary for me to reach a conclusion in relation to the other exceptions.
6. I conclude that the proposal would represent limited infilling within a village. In these circumstances it would not be inappropriate development within the Green Belt and would therefore comply with Policies SP2 and SP3 of the Selby District Core Strategy 2013 and the Framework in this regard.

Living Conditions

7. An objection has been received from residents of Foxton Cottage which state that the extension would overlook their garden. However I saw that the view of the neighbouring garden from the dormer window of the extension would be at an oblique angle which would suitably ameliorate the impact of overlooking. The objector also expresses concern about the loss of light and overshadowing

from the proposal, particularly during the winter months. However, although the proposed extension is to the south of the garden of Foxton Cottage, I consider that any further loss of light or overshadowing would be limited compared to that arising from the existing host dwelling and the buildings of Foxton Cottage which are also located to the south.

8. The extension would also be located in relatively close proximity to the garden of The Paddock. However, it would be set back from the boundary of The Paddock which is demarcated by an approximately 1.8m high solid timber fence. Although the extension would be visible from The Paddock, I saw that this property has an extensive garden area projecting to the south. Due to the limited scale of the extension and its set back from the boundary I consider it would not have an overbearing visual impact in views from The Paddock. Also, any loss of light or overshadowing would be very limited due to the limited bulk of the extension and the location of the appeal site to the north of The Paddock.
9. A first floor window to the side of the extension would overlook the neighbouring property of The Paddock. However, this would be one of two windows serving the first floor bedroom and overlooking could be prevented through the use of obscure glazing in the side whilst retaining a suitable outlook from the proposed extension. A condition requiring obscured glazing for the first floor side window would therefore protect the privacy of residents of The Paddock.
10. I conclude that the proposal would not harm the living conditions in relation to light, outlook and privacy, subject to appropriate conditions. The proposal would therefore not conflict with Saved Policy ENV1 of the Selby District Local Plan 2005 with regards to the amenity of adjoining occupiers. The proposal would also not conflict with the provisions of the Framework in respect of seeking a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

11. Reference has been made to the use of render for the walls of the extension. Whilst the host dwelling is built from stone, I saw that there are properties in the immediate vicinity of the site which have rendered walls, including properties within the terrace containing the host dwelling. Within this context, I consider that the use of render for the extension would be acceptable.
12. Concerns in relation to the scale of the proposal in relation to the host property have also been raised. However I saw that the proposed extension would be limited in extent and massing and would not be an overdominant addition to the existing dwelling. Furthermore, a suitable area of garden/amenity space would be retained.
13. Objectors to the proposal have questioned the description of a building to the front of the site as a 'shed'. I saw that this consisted of a stone building which had the characteristics of a garage. However, this extant building is not part of the appeal proposal, which I have considered on its own merits.

Conditions

14. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained

Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.

15. In addition to the standard 3 year time limitation for commencement, a condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. A condition relating to external materials is also necessary to ensure the satisfactory appearance of the development.
16. The Framework advises that conditions should restrict permitted development rights only where there is a clear justification to do so. I am satisfied that the suggested condition removing permitted development rights in relation to windows and other openings is necessary in the interests of the privacy of adjoining residents. Similarly, I also consider that the installation of obscured glazing in a window on the side elevation is justified in the interests of privacy.

Conclusion

17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal is allowed.

David Cross

INSPECTOR