
Appeal Decision

Site visit made on 17 October 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 20 October 2017

Appeal Ref: APP/E2001/D/17/3181508
33 Seathorne, Withernsea HU19 2BB

- 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 Anne Cooper against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/01237/PLF/EASTSE, dated 6 June 2016, was refused by notice dated 2 June 2017.
 - The development proposed is the erection of single storey rear extension forming conservatory.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I saw on my site visit that a conservatory had been erected. However, as the appeal scheme differs to this, my findings relate to the development that has been applied for and not the conservatory that I found on site.

Main Issue

3. The main issue is the effect of the proposed conservatory on the living conditions of existing and future occupiers of 35 Seathorne and 98 North Road, with regards to potential issues of overlooking, overbearing and loss of light.

Reasons

4. The proposed conservatory would be to the rear of the appeal property, which is one half of a semi-detached pairing in a residential area. A single storey brick-built extension has been added to the rear which extends across the full width of the dwelling. The proposed conservatory would be sited off the boundary with No 35 by roughly 0.683 metres. Instead, a 2 metre high fence would be erected along the boundary. This would extend across the rear boundary before dropping down to 1.8 metres next to 31 Seathorne.
5. During my site visit I took the opportunity to view the proposal from Nos 35 and 98. In terms of No 35, it has a rear facing bedroom window nearest to the shared boundary. In front of this window is a raised decked area with a seat. At the rear of the appeal site is No 98 which has a long linear rear garden. The rear elevation of No 98 faces the appeal site and there are large window openings on the ground and first floors.

6. Even though the proposed conservatory would not be on the boundary with No 35, it would, together with the brick-built extension, occupy most of the appeal site's rear garden. While the conservatory would be partially screened by the brick extension and the proposed fence, the proposal would extend above the height of this fence. As a result, the upper part of the conservatory would form part of an extended built form that would harm the outlook of existing and future occupiers of No 35. Hence, the proposal would be a dominate form of development that would have an enclosing effect.
7. The existing conservatory has obscure glazing in the flank elevation facing No 35. The plans show obscure glazing would be used in the rear elevation facing No 98. However the flank elevation facing No 35 is not identified to have any. Due to the height of the conservatory, occupiers of the appeal property would be able to peer over the proposed fence and into the rear garden of No 35. Typically this could be addressed by way of a planning condition to secure obscure glazing. However, neither party has suggested such a condition. As such, I am not satisfied that the occupiers of No 35 would not experience a perception of being overlooked.
8. However, the proposal would not result in a significant loss of sunlight or daylight within either the bedroom window or the curtilage of No 35.
9. The proposal would be visible from No 98 and its accompanying garden. However, given the proposed use of obscure glazing in the south-west elevation facing No 98 and the proposed fence, the proposal would not result in overlooking or cause unacceptable harm to existing or future occupiers living conditions. Even so, if I had allowed the appeal a condition would have been necessary to secure the obscure glass.
10. For these reasons, I conclude that the proposed conservatory would result in significant harm to the living conditions of existing and future occupiers of No 35, in terms of a sense of overbearing, sense of enclosure and overlooking. The proposal would be contrary to criterion B.4 of Policy EV1 of the East Riding Local Plan 2012 – 2029; which requires regard to be given to the amenity of existing or proposed properties. The proposal would also be contrary to paragraph 17 of the National Planning Policy Framework, which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR