



Appeal Decision

Site visit made on 24 October 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 9th November 2017

Appeal Ref: APP/E2001/D/17/3179527
55 Heads Lane, Hessle HU13 0JH

- 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 & Mrs Brice against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/00951/PLF/WESTES, dated 17 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is a carport.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers of the host property and the neighbouring occupiers at 57 Heads Lane with regard to daylight and outlook.

Reasons

3. The appeal property is a large, modern detached two storey dwelling in an established residential area. The appeal site is adjacent to, but outside the Hessle Southfield Conservation Area. The property forms part of a group of about ten dwellings which are set back from Heads Lane. To the front of the properties is an open garden space which is mostly screened from public view by a hedge approximately 2 metres high which runs along the public footpath. The garden space includes trees, grassed areas, shared drives and parking areas. There are some detached garages serving nearby properties. However, the appeal property does not have a garage. The site is accessed from Heads Lane via a shared driveway which also serves the neighbouring property at 53 Heads Lane.
4. The neighbouring property at 57 Heads Lane (No. 57) is to the south of the appeal property and the proposed development would be set in from the shared boundary of this property by approximately 1 metre. The proposed carport would be situated close to the front window of No. 57 which serves a living room. There is no demarcation of the boundary between No. 57 and the host property and the garden area to the front of the nearby properties is open in character and appearance.
5. From the submitted drawings, the proposal would project around 9 metres forward of the front wall of the appeal property and No. 57. The carport would

be significantly larger than the existing garage blocks in the immediate area and would be a similar height to that of a single storey property. As a result, I have had regard to the Council's point that informal guidance relating to such developments indicates that front extensions to properties should normally be small in scale. Whilst I appreciate that the proposed carport would be an open-sided structure, I find that in terms of its size it would not be consistent with the Council's Design Guide for House Extensions.

6. The proposed structure would be attached directly to the front wall of the host property. As a result, it would significantly diminish the amount of natural light reaching the two living room windows of the appeal property which serve the sitting room and would result in a principal room of the host property being particularly dark. In addition, the proposed carport would have an oppressive effect on the future occupiers of the property due to its significant extent to the front of the dwelling and its impact on the outlook of future occupiers from the sitting room windows.
7. I note the appellant's comments that the room identified on the submitted plans as the sitting room in the host property is used as a gym and laundry room. Notwithstanding this, whilst there is a substantial amount of accommodation within the host property, this would not address the impact of the proposed carport on the amount of daylight reaching the affected accommodation or the outlook from the property.
8. The scale and positioning of the carport would have a detrimental effect on the living conditions of the neighbouring occupiers of No. 57. The ground floor front facing window to the living room of No. 57 would be close to the proposed structure. As a result, whilst I acknowledge the open-sided nature of the carport, I find that the overall structure would diminish the outlook of neighbouring occupiers from the ground floor window of No. 57. Furthermore, it would appear as a prominent and dominant feature from that window and would create an undue and unacceptable sense of enclosure for the occupiers.
9. The appellant has restated comments which the Council made relating to a planning approval, Ref: DC/16/03786/WESTES, stating that the loss of a view and outlook is not a planning issue. However, whilst the loss of a view is not a planning matter, the impact on the outlook of occupiers is a material consideration. Moreover, in this case, it is a matter to which I give significant weight.
10. Having had regard to the above matters, I find that whilst the proposed carport would provide a covered parking area for the appellant at the host property, it would also have a significant impact on the outlook of future occupiers of the property and neighbouring residents. Furthermore, its size and position in relation to adjacent properties would result in an adverse effect on daylight for future occupiers of the host property. As a result, it is evident to me that the harmful effects of the proposed development which I have identified are of such significance that they would clearly and demonstrably outweigh the benefits of the scheme.
11. Consequently, I conclude that the proposed development would have a significant detrimental impact on the living conditions of future occupiers of the host property and neighbouring occupiers at No. 57 with regard to daylight and outlook. Therefore, it would be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document 2016 and the relevant sections of the National

Planning Policy Framework. Amongst other matters, this policy and guidance seeks to ensure that development does not adversely affect the amenity of existing or proposed properties and the living conditions of future and neighbouring occupiers.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR