
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/17/3180624

41 Trafford Road, Willerby, Hull HU10 6AJ

- 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 Wayne Waters against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/01500/PLF/WESTES, dated 1 May 2017, was refused by notice dated 27 June 2017.
 - The development proposed is 1st floor extension over existing ground floor rear extension.
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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 neighbouring occupiers at 43 Trafford Road with regard to daylight and outlook.

Reasons

3. The appeal property is a semi-detached house situated at the turning head of a cul-de-sac known as Trafford Road. The area is predominantly residential in character with nearby properties around the turning head having small front gardens and significantly larger rear gardens. The proposed development would be located at the rear of the property and would adjoin the boundary with the rear garden of 43 Trafford Road (No. 43). There is a conservatory to the rear of No. 43 which is adjacent to the existing single storey rear extension of the host property upon which the proposal would be built. The conservatory is of a lightweight construction and has a glazed roof.
4. A previous planning application Ref: 93/81865/PLF was approved for a two storey rear extension but was not fully implemented. Since then, the Council has published guidance on house extensions (Design Guide)¹ which is a material consideration in this case. Furthermore, planning approval, Ref: 16/00196/PLF, was recently given for a first floor rear extension at the appeal property which would project 3.8 metres from the rear elevation of the appeal property at first floor level and would have an eaves height of 4.2 metres. I note that these features were considered necessary by the Council in order to

¹ East Riding of Yorkshire Householder Design Guide – East Riding of Yorkshire District Council

- make that proposal acceptable in planning terms. Furthermore, those measurements would be consistent with the Design Guide.
5. The appellant argues that both the recently approved scheme and that which is proposed now are principally similar in terms of volume and projection. Whilst the proposal has additional volume to the proposed extension, the appellant states that there would be no increased adverse impact on the residential amenity of neighbours at No. 43 in terms of light and outlook.
 6. Notwithstanding this, based on the evidence before me I find that although the overall proposed roof height of the extension would be a small increase to that of the recent previous approval, the proposed eaves height would rise about 1.3 metres above that set in the recently approved scheme. Therefore, the appeal proposal before me would be of a greater height and would substantially increase the overall height of the blank wall of the proposed extension which would face the conservatory at No.43. Furthermore, the proposed extension would project 4.8 metres from the rear elevation of the host property which would be a further 1 metre than the previously approved scheme.
 7. I note that the proposal would relate to the north east elevation of the appeal property and its adjoining dwelling at No. 43. As such, I find that the impact of the proposal with regard to sunlight would be minimal. However, due to its extent and height, the proposal would diminish the amount of natural daylight reaching the conservatory of No. 43. I note that the conservatory has a transparent rather than an opaque roof and this would only exacerbate the adverse impact which the proposal would have on neighbouring occupiers in terms of daylight. Furthermore, the combination of the existing two storey side and rear extension to No.43 and the proposed extension would result in a recess at the rear of No. 43 which would adversely impact on the daylight able to reach the rear of the property and be enjoyed by its occupiers.
 8. Due to the height and proximity of the proposed blank wall facing the rear garden of No.43 at first floor level, I find that the proposal would appear dominant and the outlook of occupiers from the first floor bedroom window of No.43 would be significantly diminished. Having had due regard to the above, I find that the proposed extension would be significantly different to the previous approved scheme. As a result, I find that the proposal before me would have a greater impact on the neighbouring property and the living conditions of its occupiers in terms of daylight and outlook.
 9. The appellant states that the occupiers of No.43 developed the extension to their property to form a rear courtyard and would have been aware of the existing approval relating to the appeal property. As such, it is argued that the neighbouring occupiers must have concluded that the loss of amenity would not be of such significance as to cause them concern. Furthermore, the appellant argues that the previous partially implemented scheme, Ref: 93/81865/PLF, could still be implemented. I note that this would likely be greater in volume than that which is now proposed. However, whilst I have had due regard to these matters, I must determine this appeal on the merits and circumstances of the proposal, based on the evidence before me. Accordingly, I have given such matters limited weight in my overall decision.
 10. Having considered all relevant matters, I find that the proposed development would provide additional accommodation for the appellant and their family at the appeal property. Furthermore, it would have minimal impact on the

character of the host property and the appearance of the surrounding area. Notwithstanding this, I find that the overall impact of the proposed scheme on the neighbouring property at No. 43 and its occupiers in terms of daylight and outlook would be significantly harmful. Furthermore I find that such harm as I have identified would clearly and demonstrably outweigh the benefits.

11. Consequently, I conclude that the proposed development would have a significant detrimental impact on the living conditions of neighbouring occupiers at 43 Trafford Road with regard to light and outlook. It would therefore be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document. Amongst other matters, this policy seeks to ensure that development has no significant adverse effect on neighbouring properties and the amenity of 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