
Appeal Decision

Site visit made on 24 October 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/Y2736/D/17/3180410

55 Middlecave Road, Malton, North Yorkshire YO17 7NQ

- 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 Elizabeth Parlett Rhodes against the decision of Ryedale District Council.
 - The application Ref 17/00191/HOUSE, dated 14 February 2017, was refused by notice dated 10 May 2017.
 - The development proposed is single storey extension to provide entrance, bathroom, boot room and lounge.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council requested that I view the appeal site from the neighbouring properties of 53 and 57 Middlecave Road, and I was able to do so from No 57. However, I was unable to gain access to No 53 and I have therefore not addressed the specific effects of the proposal on that property in my Decision. Had I been minded to allow this appeal, this is a matter I would have considered further.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - The living conditions of neighbouring properties with regards to outlook and light.
 - The effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

4. The appeal site is one of a pair of semi-detached houses with long gardens extending to the rear. Objectors to the proposal refer to the impact of the extension on the adjoining property of No 57 and the effect of the proposal on the outlook from that property. The proposal would project a significant distance from the main rear elevation of the semi-detached dwellings. I saw that the extension would be readily visible from the rear windows and garden

area of No 57 and that the proposal would be particularly intrusive when viewed from the living room of that property. Due to the height and projection of the extension, it would have an overbearing impact on the outlook from the rear lounge bay windows and patio doors of No 57 as well as from the patio area immediately to the rear.

5. The insertion of an elongated window on the side elevation would add to this obtrusive appearance. Whilst the placement of the window and the use of obscured glazing would prevent overlooking from the window, internal illumination in the evenings and at night would be readily apparent and would add to the visual intrusion arising from the proposal.
6. Although there is a hedge between the properties, the extension would project above this hedge and would be readily visible from the windows and garden area to the rear of No 57. Whilst the proposed extension would be set back from the boundary with No 57, the separation distance from the boundary would be limited and would do little to reduce the impact on the outlook from the neighbouring property.
7. The Council also refers to the loss of daylight and sunlight to adjacent properties. Whilst I consider that the loss of light arising from the single storey extension would be limited, the combination of the height and significant depth of the proposal would reduce light reaching the living room window and rear garden of No 57 which would add to the harm identified above.
8. I conclude that the proposal would, due to its design and scale, harm the living conditions of residents of No 57 in relation to outlook and loss of light. The proposal would therefore be contrary to Policy SP20 of the Ryedale Plan – Local Plan Strategy 2013 (RP) which seeks to ensure that new development does not have a material adverse impact on the amenity of present or future occupants of land and buildings.

Character and Appearance

9. Although the extension would not be readily visible from the public realm, the appeal site is visible from the rear gardens of surrounding properties. Whilst I acknowledge that the proposal is for a single storey extension, the proposal would extend up to approximately 3m high and would project above the boundary treatment of the rear garden. The development would extend across almost the full width of the rear of the property and slightly beyond the side elevation. When combined with the significant projection to the rear, this would result in an extension of a bulk and footprint that would appear as a disproportionate addition to the host dwelling. This would also sit uncomfortably with the attached dwelling of No 57, unduly unbalancing the relatively symmetrical relationship between the properties.
10. The use of a rendered finish would also contrast with the brickwork of the host property and would emphasise the stark and angular character of such a significant flat roofed extension.
11. On the basis of the above, I conclude that the proposal would harm the character and appearance of the host property and the immediate area. The proposal would therefore be contrary to Policies SP16 and SP20 of the RP in respect of design and in particular the scale, form and use of materials.

Other Matters

12. I am mindful of the personal circumstances cited by the appellant, particularly in relation to the accommodation required for her family. I also note that no objections were submitted by the Parish Council. However, these matters do not outweigh the harm I have identified above.
13. I also note the concerns expressed by the appellant in relation to the consideration of the proposal by Councillors and that Council Officers recommended that the application be approved. However, this is not a matter for this appeal which I have determined on its planning merits.
14. I have had regard to the Council Officer's report which refers to the fallback position of what could be built under permitted development rights. However, I consider an increase in depth of approximately 1.4m beyond that of the fallback position, as referred to in the report, represents a significant increase in the projection to the rear with a commensurate increase in the effect on neighbouring properties.

Conclusion

15. For the reasons given above and taking account of all material planning considerations I conclude that the appeal should be dismissed.

David Cross

INSPECTOR