
Appeal Decision

Site visit made on 15 November 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 23 November 2017

Appeal Ref: APP/C2741/D/17/3181661

53 The Avenue, Haxby, York, YO32 3EJ

- 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 Hunt against the decision of City of York Council.
 - The application Ref 17/01027/FUL, dated 29 April 2017, was refused by notice dated 11 July 2017.
 - The development proposed is erection of two storey extension to side, and two storey and single storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey extension to side, and two storey and single storey extension to the rear at 53 The Avenue, Haxby, York, YO32 3EJ in accordance with the terms of the application Ref 17/01027/FUL, dated 29 April 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbers 420-01, 420-02, 420-03 & 420-04, and 1:500 scale block plan.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main Issue

2. I consider that this is the effect of the proposal on the living conditions of the occupiers of no.51 The Avenue, with regard to outlook and overshadowing.

Reasons

3. The appeal property is a 2 storey semi-detached house within a row of similar properties. The Council does not object to the two storey side extension, which would reflect others nearby without harm to neighbouring living conditions. Nor does it object to the single storey extension to the rear, which would replace an existing extension and conservatory. I have no reason to take a different view. I shall therefore focus my attention on the disputed element, which is the upper floor of the two storey rear extension.
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4. The Council's reason for refusal refers to the proposal's "overbearing, overshadowing and enclosing impact on the rear garden". No mention is made of any effect within the house. This is of concern to the neighbours, however. Having been next door, I consider that the disputed part of the proposal would have only a limited impact on outlook or sunlight indoors. This is largely because of its relatively small outward projection of 2 metres, while the acute angle upwards to the upper part of the extension would make it difficult to see from within the ground floor of no.51.
5. The two storey rear extension would be close to the neighbour's patio. It would be prominent when looking directly towards it from close to the back of the house. However, the main direction of outlook is likely to be towards the long and well maintained back garden, in which the patio extends well beyond the outer limit of the extensions on the appeal site. Patio furniture close to the boundary and near the existing conservatory suggests that outlook towards the appeal property is not seen as an important aspect of outdoor enjoyment at the moment.
6. The extension would be west of no.51, and would therefore intercept some afternoon sun, causing overshadowing. Given the shallow depth of projection, and the considerable size of the patio and the garden beyond, I consider that the effect would have a restricted and somewhat limited effect on the use and enjoyment of the neighbour's garden. It is in addition likely that a two storey extension to the rear of no.55, on the far side of the appeal site from no.51, would already cast an afternoon shadow when the sun is lower in the sky. Thus I am not persuaded that the proposal would materially prejudice the amount of sunlight falling on the rear garden of no.51.
7. I conclude that the proposal would not have an undue adverse effect on the living conditions of the occupiers of no.51 The Avenue, with regard to outlook and overshadowing in the rear garden. There are no adopted development plan policies relevant to the proposal. I consider the proposal would comply with policies H7 & GP1 in the City of York draft Development Control Local Plan (2005) and policy D11 in a pre-publication draft of a new Local Plan (2017). Among other things, these provisions seek to protect amenity from such impacts. The Council's draft *House Extensions and Alterations* Supplementary Planning Document (2012) seeks to ensure that neighbouring gardens retain adequate levels of sunlight and openness, which I have found would be the case. Moreover, a good standard of amenity would be achieved, in line with paragraph 17 of the National Planning Policy Framework.
8. In giving planning permission, I need to impose a condition to ensure the use of matching materials, in the interests of a satisfactory appearance. In addition, I need to impose a condition requiring compliance with the approved plans, in the interests of certainty.
9. Subject to these conditions, I conclude overall that there is no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR