



Appeal Decision

Site visit made on 2 July 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/N2739/D/19/3226666

12 Mill Lane, Carlton, Selby, DN14 9NG

- 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 Jason Wood against the decision of Selby District Council.
 - The application Ref 2019/0070/HPA, dated 24 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is a two-storey side extension, single storey front extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issue

4. The reason for refusal refers to the proposed two-storey side extension. The main issue is the effect of the extension upon the character and appearance of the host building and street scene.

Reasons for the Recommendation

5. No.12 is a semi-detached two-storey dwelling. It is part of a row of similarly designed properties displaying a strong character and simple rhythm. The row is equally spaced, it is separated by driveways and positioned in a subtle crescent. Given the layout of the estate and space around and about the buildings, the gaps between properties contribute positively to the area and are a key characteristic of the row.
6. The proposed extension would extend up to the boundary and at ground floor have the same projection as the existing porch. Attempts have been made to reduce its visual effect through the roof design and first floor set back. Nevertheless, the adjoining dwelling has a two-storey side extension. Given the overall size and scale of the proposed extension, the development would result in a block of semi-detached dwellings being noticeably wider. Contrary to the appellant's arguments, the development would result in terracing effect because of the extension's bulk, mass and location close to the boundary.

The design and built-form would be inconsistent with the simple architectural style of the host building.

7. Some of the gaps between properties have been altered over time, due to the construction of fences or side garages. Nonetheless, these appear subordinate to the host building and are mainly single-storey. These domestic scale structures are not dominant features within the street. In comparison, the lack of set back at ground floor and gap to the side boundary would result in visually harmful two-storey side extension. The development would appear out-of-keeping with the simple architectural style of dwellings in the street scene. If repeated, this type of development would substantially erode the open quality of the block and result in the coalescence of dwellings.
8. There is potential for permitted development (PD) side extensions being constructed subject to meeting criteria. It is contended that these developments would obscure any views between the houses. However, the evidence presented does not substantiate that there is a realistic prospect of a fall-back position being implemented. In any event, side extension under PD rights would probably be limited in scale. In comparison, the proposal would be plainly unacceptable given the design and scale of the proposed two-storey extension.
9. The appellant considers that similar developments have been approved and precedents established, but this argument has little credence. This is because, in this location, gaps between dwellings is a feature that remains, and it would be eroded should planning permission be granted for the scheme. In any event, the existence of other extensions is not a strong enough reason to justify visually harmful development.
10. On the main issue, I find that the proposed extension would have a significant adverse visual effect upon the character and appearance of the host building and street scene. Consequently, the proposal would conflict with Policy ENV1 of the Selby District Local Plan, February 2005, Policy SP19 of the Selby District Core Strategy Local Plan, October 2013, and the National Planning Policy Framework.

Conclusion and Recommendation

11. For the reasons given and having regard to all matters raised, I recommend that the appeal should not succeed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

Costs Decision

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Costs application in relation to Appeal Ref: APP/N2739/D/19/3226666

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jason Wood for a full award of costs against Selby District Council.
 - The appeal was against the refusal of planning permission for a two-storey side extension, single storey front extension and single storey rear extension.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Essentially, the applicant argues the respondent improperly determined the application as potential changes and discussions had not concluded, that the application was not handled reasonably resulting in an unjustified appeal. However, written representations suggest all relevant information had been considered at the time of determination. There were negotiations between the parties though a suitable compromise couldn't be found. The evidence presented does not show unreasonable delay occurred during the process. Additionally, the reasons for refusing the application were clear and explain the policy position. The respondent submitted enough evidence in support of its stance and the reason for refusing permission were not based on vague assertions. My Decision above explains the reasons why the development would conflict with local policy. The respondent did not prevent or delay development, which clearly would be unacceptable having regard to its accordance with the development plan, national policy and any other material considerations.
3. For all the above reasons, the applicant has not shown that the respondent's refusal of planning permission was unreasonable resulting in unnecessary and wasted expense as set out in the Planning Practice Guidance. An award of costs is unjustified.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

4. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis this application is refused.

A U Ghafoor

INSPECTOR
