The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/G2713/D/19/3232798
3 The Oaks, Raskelf Road, Brafferton YO61 2QJ

- 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 Steven and Alex Wood against the decision of Hambleton District Council.
- The application Ref 19/00323/FUL, dated 29 January 2019, was refused by notice dated 17 June 2019.
- The development proposed is to alter the roof space above the adjoined garage into residential accommodation, namely a fifth bedroom with en-suite bathroom to the current residential property. This would involve removing the current trussed rafter roof to replace with loft trusses including dormer windows to front. Access to the new room would be from the existing residential property.

Decision

1. The appeal is allowed, and planning permission is granted to alter the roof space above the adjoined garage into residential accommodation at No.3 The Oaks. This is in accordance with the terms of the application, Ref 19/00323/FUL, dated 29 January 2019, 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 materials to be used in the construction of the external surfaces of the development hereby permitted, shall match those used in the existing building.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale 01 Location Plan, unnumbered 1:50 scale drawings showing the following: Existing South, East and West Elevations, Proposed South, East and West Elevations, Proposed First Floor and a 1:25 scale Section A-A.

Procedural Matter

2. The Local Planning Authority (LPA) altered the description of application 19/00323/FUL to read; "To alter the roof space above the adjoined garage into residential accommodation." This description is more precise than that given on the application form. All plans remain the same as those submitted with the planning application (as referenced above).

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants at No 2 The Oaks with respect to outlook.

Reasons

4. The site lies just outside of the eastern boundary of the Brafferton and Helperby Conservation Area (CA). The detached residential dwelling and its attached double garage are set back from Raskelf Road. Both the house and single storey garage are constructed of the same matching materials and have pitched roofs. The property shares a driveway with the neighbouring property at No 2 The Oaks. As No 2 is perpendicular to its neighbour it faces onto the existing gable end of the existing garage of No 3 The Oaks.

5. The proposed development would increase the height of the existing garage to incorporate a new en-suite bedroom. However, the proposed extension has been designed in a sympathetic manner, which has taken into account the character of the area and the host building. I would therefore agree with the Council's assessment that there will be no harm to the adjoining CA.

6. The LPA conclude that the proposed development would have an overbearing impact on the occupiers of No 2 due to the limited separation distance. However, the LPA does not have any design guidance for the minimum separation distance between a window and a neighbour's flank wall and expects design solutions to overcome any issues.

7. In this case the extension has been designed to remain within the footprint of the building, therefore retaining the existing separation distance. There will be no overlooking windows and the extension remains subservient to the host building. The proposed roofline has been designed as low as possible, which will keep the height and area of new gable wall to a minimum. This will continue to ensure that the occupants of No 2 retain an outlook from their upstairs windows. Their existing outlook from the ground floor windows will remain relatively unchanged, as they presently look onto the boundary fence and existing gable wall. Furthermore, I concur with the LPA's assessment that that the levels of shade on the neighbouring property will be acceptable.

8. Having assessed the effects of the existing and proposed plans on the occupants of No 2. I conclude that the extension would be acceptable and not overbearing due to its low roof line, sympathetic design and the adequate separation distance. As such it complies with Core Strategy Policy CP1 of the Hambleton Local Development Framework (HLDF) 2007 and Development Policy DP1 of the HLDF 2008. These require development to protect amenity, with particular reference to privacy and daylight.

Other Matters

9. The appellant has made reference to the planning decision not being made within the 8-week deadline. This is not something of which I am able to take into consideration and remains a matter between the appellant and the LPA.

10. I have taken into account the representation about parking, but this would not be an issue, as No 3 has a double garage and a large driveway for off road parking. This is not a matter which affects my findings on the main issue.

Conditions

11. In addition to the statutory implementation condition, it is necessary to impose standard conditions to define the plans with which the scheme should accord and will protect the privacy of neighbours. A condition concerning external materials is also required to safeguard the character and appearance of the area.

Conclusion

12. I conclude that the appeal should succeed, and planning permission should be granted subject to the above conditions.

D Hilton-Brown

INSPECTOR