
Appeal Decision

Site visit made on 13 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/V2004/D/19/3231583

37 Worcester Road, Kingston-upon-Hull HU5 5XE

- 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 Gary Norton against the decision of Kingston-upon-Hull City Council.
 - The application Ref 19/00202/FULL, dated 22 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as a "double storey and single storey extension, max 6m long x max 4.5m wide x max 5.4m high."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to the inconsistent advice received from Officers. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development on the living conditions of neighbouring occupants with specific regard to outlook, sense of enclosure and sunlight.

Reasons

4. The appeal property is a two-storey mid-terraced dwelling. The surrounding area is predominately residential, comprising similar terraced dwellings within a suburban setting. There is an existing single storey rear extension to no. 39 Worcester Road and an existing two storey rear extension to no. 41 Worcester Road, both projecting approximately 3 metres.
5. The proposed development relates to the construction of a two storey extension and a further single storey extension to the rear of the appeal property projecting approximately 4 metres at first floor level and a further 2 metres at ground floor level. The proposed extensions would cover the entire width of the appeal property and so would be immediately adjacent to the shared boundaries with nos. 35 and 39 Worcester Road.

6. The proposal would increase the scale, height and mass of the building projecting it further along the shared boundaries with adjoining properties which have windows to habitable rooms on their rear elevations. This in combination with the existing extension to no. 41 would cumulatively cause a loss of outlook, loss of sunlight and a greater sense of enclosure for the occupiers of no. 39. Consequently, I conclude that the proposal would result in material harm to the living conditions of neighbouring occupiers.
7. In support of the appeal my attention has been drawn to other similar extensions in the area. I do not know the full circumstances that led to these being accepted, and so cannot be sure that they represent a direct parallel to the appeal scheme including in respect of their width and what extensions existed on adjacent dwellings. In any case I have determined the appeal on its own merits.
8. I also note the appellant's points that no objections are raised by the immediately adjacent occupiers and that no objection has been made to the proposed design in character and appearance terms. However, the former situation may change over time and the latter does not overcome the harm I have identified to living conditions.
9. All in all, I consider that the proposal development would have a detrimental impact on the living conditions of neighbouring occupiers with specific regard to outlook, sense of enclosure and sunlight. It would therefore conflict with Policy 22 of the Hull Local Plan (adopted November 2017) which aims to safeguard the amenity of neighbouring occupiers. It would also conflict with paragraph 127 of the Framework which requires the creation of places 'with a high standard of amenity for existing and future users'.

Conclusion

10. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR