
Appeal Decision

Site visit made on 19 August 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/E2001/D/19/3229338

Hurstwood, 17c Church Lane, Kirk Ella, HU10 7TA

- 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 Kirsty Taylor against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/03986/PLF, dated 5 December 2018, was refused by notice dated 23 April 2019.
 - The development proposed is a single storey side / rear wrap around extension, a loft conversion with the construction of a new build dormer to the side elevation and a new build garage to replace the existing.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey side/rear wrap around extension, a loft conversion with the construction of a new build dormer to the side elevation and a new build garage at 17c Church Lane, Kirk Ella, HU10 7TA, in accordance with the terms of application Ref 18/03986/PLF, dated 5 December 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, drawing No. 005 Rev A; proposed site plan, drawing No. 004 Rev C; proposed elevations, floor and roof plans, drawing no. 002 Rev C; proposed garage elevations, drawing No. 003 Rev A.
 - 3) 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.

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.

Main Issue

3. The main issue for consideration in this appeal is the effect of the proposed single-storey rear extension element of the works on the living conditions of the occupiers of 19 Church Lane, with regard to loss of outlook, a sense of overbearing and loss of daylight.

Reasons

4. The appeal site comprises a semi-detached, two-storey dwelling with a hipped roof and red brick facing walls. The property is one half of a pair of semi-detached dwellings, which lie in a group of four similar pairs, in a quiet lane. The properties have large rear gardens and off-street parking set within a tree-lined cul-de-sac.
5. The proposal involves the construction of a single-storey rear extension, dormer window, several rooflights and a new detached garage/office within the rear garden which would replace an existing structure of similar use. The Council have refused permission based on the rear extension only, and it is on this basis I have determined the appeal.
6. The extension would be built along the common boundary with No.19 and would extend past, and wrap around, the existing two-storey outrigger, a feature present on all these properties. The distance of the projection is given as 5.81m along the boundary. A wall currently divides the two plots, and the extension would rise 0.88m above it.
7. There are two windows on the side elevation of number 19 that would be affected by the development- a secondary side facing kitchen window to the outrigger, and a dining room window on the rear elevation. Given the height of the existing boundary wall, there is already an element of enclosure present as it lies close to windows to the rear of both properties. Whilst the extension would be higher than the wall, the difference would not be excessive and, in the context of the long rear gardens, over which both rooms look, would not be unduly overbearing or create an unacceptable sense of enclosure to the neighbouring occupiers. Similarly, given the limited increase in height above the boundary wall, the proposal would not significantly affect daylight to the windows.
8. During the site visit I noted a similar development was in place at No.21 Church Lane, which is clearly visible from the appeal site. I am also directed towards the adjoining semi-detached property at No.23 having the same extension, both of which are very similar to the proposal in terms of length and the way they wrap around the outriggers. The Council was approached for further information on these developments, but no response was returned. It appears that these proposals were granted planning permission within the same Local Plan period and using the content of Policy ENV1. Building two extensions at the same time can negate any impact upon one another, but in this case the proposals appear to have been submitted and approved as separate entities under different reference numbers.
9. Reference is made in the officer report to informal design guidance advocating a maximum projection of 3.5m unless the extension is stepped in from a common boundary. I have not been provided with a copy of this guidance and do not know whether it has been adopted following a consultation process.

Accordingly, whilst I acknowledge that the proposal would project beyond the distance stated in the guidance, this document carries only limited weight in my consideration of the appeal.

10. For the reasons set out above, the proposal would not have an unduly harmful impact on the living conditions of the occupiers of 19 Church Lane, with regard to loss of outlook, a sense of overbearing and loss of daylight. Accordingly, the proposal would comply with Policy ENV1 of the East Riding Local Plan, which seek to ensure a high standard of amenity for existing and future users and the National Planning Policy Framework which requires that development creates places with a high standard of amenity for existing and future users.

Conditions

11. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area I have specified that matching materials are used in the development.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

S Ashworth

INSPECTOR