
Appeal Decision

Site visit made on 3 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/G2713/D/19/3231574

Paddock House, Thornborough, Bedale, North Yorkshire DL8 2RH

- 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 Paul Burton against the decision of Hambleton District Council.
 - The application Ref 19/00185/FUL, dated 26 January 2019, was refused by notice dated 14 May 2019.
 - The development proposed is formation of an enclosed porch comprising glazed infill of existing porch structure.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of an enclosed porch comprising glazed infill of existing porch structure at Paddock House, Thornborough, Bedale, North Yorkshire DL8 2RH in accordance with the terms of the application, Ref 19/00185/FUL, dated 26 January 2019.

Procedural Matter

2. The development has been undertaken and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host property and the surrounding area and the effect of the proposed development on the living conditions of the occupiers of the adjacent property, Little Garth.

Reasons

Character and appearance

4. The appeal property is a detached two storey dwelling located in a small cul-de-sac within the rural village of Thornborough. The cul-de-sac, and the wider village, contain a wide variety of residential building styles. The appeal property appears to be a unique design, although not particularly out of character with the appearance of the village.
5. The appeal property was constructed with a covered canopy leading to the front door. This was open-sided on the elevation adjoining the boundary with the neighbouring property known as Little Garth. The appeal porch encloses this structure creating a porch with glazing and a door, filling in the open sections. The glazing and door are uPVC.

6. The front elevation containing the development, when viewed from the street scene is seen beyond the existing driveway and in the context of an existing mature hedge along the splayed side boundary. The side elevation of the porch is visible from the turning head in front of Little Garth. The development is not prominent in the street scene. The materials are consistent with those used in the host dwelling and the obscure glazing does not look unattractive. The development has a minor impact on the overall appearance of the dwelling, and does not look out of place.
7. The proposed development has an acceptable effect upon the character and appearance of the host property and the surrounding area and therefore complies with Policy DP32 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008). This policy seeks to ensure, amongst other things, that the design of all developments must be of the highest quality, respecting local character and distinctiveness. The proposal also accords with guidance contained in the National Planning Policy Framework (2019) which requires, amongst other things, that development adds to the overall quality of the area and permission should be refused for poor design.

Living conditions

8. The Council's decision notice simply refers to 'loss of amenity' to the immediate neighbour. Policy DP1 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008), in considering amenity outlines that this is in particular regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
9. The development includes the installation of obscure glazing. As a result, no views are possible into the adjacent property or vice versa. In any event the porch is not a habitable room. I observed on my site visit that its purpose is to provide an enclosed, transient, area where coats and shoes are able to be stored whilst providing some protection from inclement weather. The proposal would not have an unreasonable impact on the privacy of the adjacent residential property.
10. The porch does not harm to the outlook from the neighbouring property as it is a very small structure and cannot have an overbearing impact.
11. Objections were received relating to the openable windows allowing residents of the appeal property to overhear neighbouring residents. Given the previous open nature of the structure, combined with the fact that the space would not be somewhere the appellants would spend any considerable length of time, I do not consider that this would cause harm.
12. Objections were received in relation to glare from the glazing. I do not find that this would cause unacceptable harm. Glare would only be possible at certain times and under certain lighting conditions. I do not find that this would be a reason to dismiss the appeal.
13. Objections were also received relating to the porch lights being left on overnight lighting up the neighbours' front garden and causing security concerns. It has not been made clear how this is directly attributable to the appeal proposal which is to infill the existing structure with glazing and a door. I have therefore given this little weight in my decision.

14. The porch does not harm the living conditions of neighbours and complies with Policy DP1 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008). This policy seeks to ensure, amongst other things, that development proposals must adequately protect amenity.

Other Matters

15. Concern was raised in relation to the structure complying with current Building Regulations in relation to fire safety and the use of safety glass. These matters are covered by separate legislation and are not for me to consider in the context of this appeal.
16. The neighbour has raised the matter of maintenance of the structure in terms of who has responsibility and required means of access. This would be a civil matter involving the affected parties and not one for me to pass judgement on.
17. Concern has also been raised by the neighbour over their lack of ability to screen the structure due to them requiring access to the land to the rear of their property. For the reasons outlined above, I do not find it necessary to screen the structure to make it acceptable in planning terms.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR