

Appeal Decision

Site visit made on 8 October 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/E2001/D/19/3234152

33 Kenwardly Road, Willerby HU10 6LZ

- 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 M Teyen against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/03311/PLF, dated 16 August 2018, was refused by notice dated 31 May 2019.
 - The development proposed is described as "First floor rear extension."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 35 Kenwardly Road with regards to light and outlook.

Reasons

3. The appeal property is a semi-detached property and is attached with the dwelling of 35 Kendwardly Road (No 35). The proposed extension would be developed close to the boundary with No 35, would be large in both height and depth. No 35 has a ground floor window and first floor window which would be in close proximity of the proposed extension. Whilst it is noted that there is an existing ground floor projection from the rear of the appeal property, the proposal would create a dominant expanse of built development along the boundary when viewed from No 35 due to its height and depth.
4. The proximity of the ground floor and first floor windows of No 35 to the extension proposed would result in the addition having an unavoidable and overbearing presence that would dominate the outlook from No 35 and harm the living conditions of the occupants.
5. Given the orientation of the properties and the location of the proposal, the extension would not have an adverse effect on the occupiers of No 35 in terms of sunlight and daylight. This matter however would not outweigh the harm I have found with respect of outlook.
6. Accordingly, I find that the proposal would have a harmful effect on the living conditions of the occupiers of No 35 with regards to outlook. The proposal would be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document 2016 and the National Planning Policy Framework which seek development to have regard to the amenity of existing properties.

7. I have had regard to the subservient architectural design of the extension and that it would not have a detrimental effect on the character and appearance of the area. I also note that the appellant considers the scheme to be sustainable development which would improve the living conditions of a family home. These matters however, do not outweigh the harm to the living conditions of neighbouring occupiers with regards to outlook.

Conclusion

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

Chris Baxter

INSPECTOR