



Appeal Decision

Site visit made on 21 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/E2001/D/19/3235187

35 Park Avenue, Withernsea, East Riding of Yorkshire, HU19 2JX

- 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 Tracy Ellis against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01259/PLF, dated 9 April 2019, was refused by notice dated 11 June 2019.
 - The development proposed is a single storey extension to the rear following demolition of existing.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 35 Park Avenue, Withernsea, East Riding of Yorkshire, HU19 2JX, in accordance with the terms of application reference 19/01259/PLF, dated 9 April 2019 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; proposed site plan, drawing No. ELLIS 03 2019 3; proposed elevations and floor and plan, drawing no. ELLIS 03 2019 2B.
 - 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.

Procedural Matter

3. The description of development in the banner heading is taken from the planning application form. However, in the formal decision above, I have adapted the description of development to more accurately describe the proposal.

Main Issues

4. The main issue under consideration in this appeal is the effect of the proposed development on the living conditions of the occupiers of No.33 Park Avenue, with particular regard to visual impact.

Reasons for the recommendation

5. The appeal site comprises a semi-detached bungalow in a residential area. The property includes a large rear garden, off-street parking to the side and a smaller garden area to the front. A pillared wall with fence panels separates the dwelling from its neighbours either side. An existing rear extension includes a section attached to the house rendered in the same material, which appears to be original, while a conservatory has been added more recently. The adjoining bungalow, No. 33 also has a projecting element to the rear.
6. The proposal involves the extension of the older section of the existing rear projection following the removal of the conservatory. A new roof will run the length of this new structure to create a uniform height. Materials are to match those existing.
7. My attention is drawn to the Design Guidance for House Extensions (DG), which advises that single-storey rear extensions are normally acceptable if they project no more than 3.5m from the rear wall of the neighbouring property. If the extension is set away from the boundary this projection may be increased, usually by the distance it is from the boundary. A figure of 8.5m is offered by the Council as being acceptable using this guidance.
8. However, the existing projection already exceeds this guide distance. While the proposed development would extend the building further into the garden and increase the roof height, the limited increases in both would ensure the massing of the proposed is not excessive when compared to the existing. Moreover, it would project only a limited distance more than extension at No.33. Furthermore, the distance from the nearest habitable room window of No.33 would ensure the extension is not dominant in terms of outlook from that room. Furthermore, I noted on the site visit that the windows of No.33 are set below those of the appeal site and the presence of the boundary wall already reduces views into the neighbouring garden. As such the extension would not have an unduly dominant effect upon occupiers of No.33.
9. Given the height of the boundary wall, there is already an element of enclosure present as the wall 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. Given the set-back of the extension from the boundary, it would not be unduly overbearing or create an unacceptable sense of enclosure to the neighbouring occupiers.
10. For the reasons set out above, the proposal would not have an unduly harmful impact on the living conditions of the occupiers of 33 Park Avenue, with regard to its visual impact. Accordingly, the proposal would comply with Policy ENV1 of the East Riding Local Plan and the National Planning Policy Framework which collectively seek to ensure 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