



Appeal Decision

Site visit made on 4 February 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2020

Appeal Ref: APP/Y2736/D/19/3241074

Grays Lodge, Ganton Road, Foxholes, Driffield, North Yorkshire, YO25 3QL

- 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 Jamie Exley against the decision of Ryedale District Council.
 - The application Ref 19/00862/HOUSE, dated 18 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the erection of a 3-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the development on the character and appearance of the host dwelling; and,
 - whether the proposed development would safeguard the living conditions of neighbouring properties, having regard to privacy.

Reasons

Character and appearance

3. The appeal site is occupied by a detached 2-storey dwelling located on the east side of Ganton Road, within the village of Foxholes. The land bounding the rear garden is also occupied as residential curtilage by neighbouring properties, including that of a property known as Roanjaie which is set further back from Ganton Road with curtilage wrapping round to the rear.
4. I accept that the proposed extension would only have limited visibility from Ganton Road and would utilise matching materials. However, the overall scale and massing would add a significant amount of additional bulk to the rear of the property and would feature an uncharacteristic and contrived roof design in order to facilitate the provision of a third storey of accommodation within the roof space. Whilst the ultimate ridge heights of the proposed extension would be clearly below that of the existing property, the combination of the depth, full width, height and bulk of the extension would appear as an overly dominant addition to the dwelling. The result would be an addition that would overwhelm and fail to reflect the dwelling's original scale and character.

5. I am mindful that the appellant has sought to address a previous refusal of planning permission for extensions at the property through a reduction in the depth of the proposed extension. However, whilst this would undoubtedly have assisted in reducing the overall bulk, for the reasons I have set out this action alone is insufficient as a means of ensuring an appropriate and subservient addition to the existing dwelling. I also note the appellant's references to the design of other extended properties within the wider area, but I do not find the limited detail and information of the examples given to be either directly comparable to the proposals, or provide a compelling precedent from which to dictate the acceptability of the proposed design approach in this instance.
6. For these reasons, the proposed extension would have an adverse effect on the character and appearance of the host dwelling. The proposed development would conflict with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy 2013 (the Local Plan), which seek to ensure that extensions are of a high quality of design and appropriate and sympathetic to the host building in terms of scale, form and use of materials.

Living conditions

7. The Council's concerns with regards to living conditions principally relate to the inclusion on the rear elevation of inward-opening doors at first floor level, and second-floor windows, leading to the increased potential for a loss of privacy to neighbouring properties.
8. I acknowledge the Council's concerns, but I do not share them. There is no evidence of direct and unacceptable overlooking of neighbouring habitable room windows as a consequence of the proposed extensions, and I observed the immediate area to already possess a certain degree of mutual overlooking of neighbouring land and gardens from elevated positions and upper floor windows. Within a residential setting such relationships are to be expected and whilst the incorporation of first floor doors is a less common design feature, I am not persuaded that there would be any additional unacceptable impact on the privacy of neighbouring occupiers or users of land.
9. I accept that the addition of second-floor windows would provide further elevation for views of neighbouring land from the appeal site. However, I do take the point that the impact would be unlikely to be significantly different to that of the incorporation of appropriately designed dormer windows in the rear roof slope, which I do not consider would result in an unacceptable privacy relationship.
10. Therefore, I am satisfied that the proposed extension would adequately safeguard the living conditions of neighbouring properties, having regard to privacy. The proposal would not conflict in this regard with Policy SP20 of the Local Plan, which seeks to ensure that new development will not have a material adverse impact on the amenity of the users or occupants of neighbouring land and buildings through loss of privacy.

Other Matters

11. Whilst I have reflected on the potential impact of the principle of rear dormer windows in assessing the effect of the proposed 2nd floor accommodation on living conditions, the overall possibility of whether an alternative scheme could be undertaken and completed as permitted development is not before me as

part of this appeal. In the absence of any formal establishment of permitted development rights for an alternative scheme, I have not attached any significant weight to this contention in my decision-making.

12. I recognise that there is an overall lack of objection to the proposed development from neighbouring occupiers, but this would ultimately be a neutral matter which would neither weigh in support or against the acceptability of the proposed development.

Conclusion

13. I have not found there to be any concerns over the impact of the proposed extensions on the living conditions of neighbouring occupiers, and I attach some limited weight to the benefit which the additional accommodation would provide to meet the appellant's needs. However, I am satisfied that the proposed extensions would not maintain or respect the character and appearance of the existing dwelling and would not therefore represent high quality design, and that this harm would outweigh the limited benefits of the proposal.
14. For this reason, the appeal is dismissed.

Martin Seaton

INSPECTOR