

Appeal Decision

Site visit made on 4 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 13 August 2020

Appeal Ref: APP/G2713/D/20/3252685

The Gables, Main Street, Bagby, Thirsk YO7 2PH

- 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 & Mrs Andrew Thornton against the decision of Hambleton District Council.
 - The application Ref 19/02340/FUL, dated 4 November 2019, was refused by notice dated 10 March 2020.
 - The development proposed is proposed alterations and extensions to domestic dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The living conditions of occupiers of The Hollies, with particular regard to daylight and sunlight and outlook; and
 - The character and appearance of the host property.

Reasons

Living conditions

3. Ground levels within the Gables' garden plot, and subsequently also those of the house itself, lie above those of The Hollies. A substantially deeper and larger house than The Hollies, the appeal property extends significantly beyond the rear elevation of the neighbouring house.
4. The proposal would add a significant and substantial extension to the rear corner of the host building. Notably, the extension would project beyond the existing gable elevation, closer to the side boundary at this point and closer to the rear corner of The Hollies. In doing so, the gable elevation, which would broadly replicate the existing main house gable, would be an imposing, intrusive and over-bearing presence close to the boundary between the two properties.
5. The existing property features smaller 'mini' gable peaks on the rear 'wing' of the property. However, on the side elevation facing towards The Hollies this element is inset behind the existing gable elevation, not projecting beyond it. It is also of a substantially smaller scale. Although the Gables is ever-present when viewed from the rear of the Hollies, it seems to me that it was clearly designed with the relationship with the latter in mind. The fragmented form at

the rear of the Gables is such that the main rearward two storey element is offset away from the flank elevation towards The Hollies.

6. Although the proposal would incorporate an overall form that would maintain a fragmented flank elevation, it would nevertheless still be a significant and imposing feature when viewed from The Hollies. The proposed additional gable elevation, comparable in form and scale with that of the property's existing gable, would project sideways towards the rear of The Hollies. This, combined with the offset between the properties and the slightly higher ground levels at the Gables, would be such that the gable elevation would have a significant, overpowering physical presence that would be harmful to the living conditions of occupiers of The Hollies.
7. The rear gardens of the appeal property and The Hollies are broadly south facing. As such, they would be expected to enjoy good levels of daylight and sunlight. Although the existing house at the appeal property is already likely to be a substantial factor in terms of sunlight and daylight at the rear of The Hollies later in the day, the scale and bulk of the proposed extension, its form and its proximity to the rear of The Hollies are all such that its imposing presence would lead to an additional loss of sunlight and daylight at certain times of the day. Although not decisive in itself, this adds weight to my conclusions regarding the overbearing scale, proximity and presence of the proposed extension and the harmful effect that it would have upon the living conditions of occupiers of The Hollies.
8. Hambleton 'Development Policies' Development Plan Document (DPD) policy DP1 states that all proposals must adequately protect amenity, particularly with regard (amongst other things) to daylight and must not unacceptably affect the amenity of residents or occupants. For the reasons I have set out above, the proposal would fail to protect amenity and would, by virtue of its scale, proximity and physical presence, unacceptably affect the amenities of occupiers of The Hollies in terms of outlook and daylight. The proposal would therefore fail to accord with DPD policy DP1.

Character and appearance

9. DPD policies CP1, CP17 and DP32 refer in general terms to the importance of high-quality design, setting out broad parameters by which quality will be sought in all developments. The Council's 'Domestic Extensions' Supplementary Planning Document (SPD) provides specific, if limited, advice and comment regarding the principle of subservience. As one of five design principles identified by the SPD, subservience is noted as ensuring that extensions do not dominate or detract from the original building, noting that well-designed proposals are usually set back from the building's principal elevation although levels of subservience are dependent on the host property.
10. The Council contend that the proposal fails to demonstrate the required level of subservience set out in the SPD. The SPD however speaks only in general terms about subservience and the Council do not elaborate upon what, specifically, it is about the proposal that fails to follow the SPD's provisions.
11. The Council do not find fault with the detail, roof form or materials proposed for the extension. Thus, the gable peak and detailed design of the extension are not a point of contention between the parties in design terms. Rather, the

Council's concerns relate to the extension's degree of subservience to the existing main dwelling.

12. The proposed extension would be set significantly behind the principal elevation of the dwelling. Although it would project beyond the existing gable elevation, this would reflect, albeit on a slightly larger scale, the 'wing' on the other gable elevation. At the rear, the first-floor element of the extension and the substantial peak above the window would be set behind the existing rear gable peak. The extension would appear as a subservient feature when viewed from both front and rear.
13. It would be less so from the side facing The Hollies, however. Only slightly lower to eaves and ridge level than the main house, the extension would have a significant presence at the side of the house. In oblique views between the Gables and The Hollies, it would also serve to reduce the gap between the two. However, because the extension would be set so far back behind the host building's principal elevation and that of The Hollies, it would not be a prominent feature either within the streetscene or upon the host building.
14. I concur with the Council's view that the detailing, roof form, gables, porch and materials would be appropriate to the host building. And, for the reasons I have set out, I consider that the extension would be appropriately subservient to the host building. There would be no conflict with DPD policies CP1, CP17 and DP32 or the broad guidance set out in the SPD.

Conclusion

15. The proposed extension would not cause harm to the character or appearance of the host property or of the surrounding area. However, its scale, bulk and proximity to the neighbouring property at The Hollies would be such that it would cause substantial and material harm to the living conditions of occupiers of that property, with particular regard to outlook and an overbearing impact. There would be some additional impact upon the rear of The Hollies in terms of both daylight and sunlight arising from the extension and, whilst not decisive of itself, adds weight to my conclusions regarding its effect upon living conditions.
16. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR