



Appeal Decision

Site visit made on 14 July 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/H2733/D/20/3250252

21 The Close, Newby, Scarborough YO12 6EG

- 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 Lorraine Hardy against the decision of Scarborough Borough Council.
 - The application Ref: 19/02514/HS, dated 23 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is described as: A new two storey extension on each gable of the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension on each gable of the existing house at 21 The Close, Newby, Scarborough YO12 6EG in accordance with the terms of the application, Ref: 19/02514/HS, dated 23 October 2019, 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: Location Plan, Drawing No: 00/01 - Existing Block Plan of Site; Drawing No: 00/02 - Existing Ground Floor Layout; Drawing No: 00/03 - Existing First Floor Layout; Drawing No: 00/04 - Existing Elevations of House;; Drawing No: 00/05 - Proposed Ground Floor Layout; Drawing No: 00/06 - Proposed Elevations of House; Drawing No: 00/07 - Proposed First Floor Layout; and Drawing No: 00/08 - Proposed Block Plan.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the south east or north west side facing, side, elevations of the extensions hereby permitted.

Main Issues

2. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on the living conditions of the occupiers of the neighbouring residential properties at 19 and 23 The Close, with particular regard to overbearing and loss of light.

Reasons

Character and appearance

3. The appeal building is a detached, two storey, house within a large plot situated at one end of a T-shaped cul-de-sac. It is built of brick with a hipped tiled roof. A centrally placed, gabled, element projects slightly beyond the main front wall of the house. Both sides of the house have previously had a single storey extension added to them. To each side of the appeal building are pairs of semi-detached bungalows.
4. The cul-de-sac is comprised of a mix of two storey, semi-detached, houses and semi-detached bungalows together with a small number of detached, two storey, properties. These are of a range of ages and designs, with the top part of the cul-de-sac, exhibiting a greater diversity of design than the main section running from Scalby Road.
5. The proposed extensions to the appeal building would be set back behind the current main front façade, would retain the hipped roof form of the main house, and the ridge line of the new sections of roof would be set below that of the main roof. As such they would appear subordinate to the original house. The extensions would also result in a balanced and symmetrical form to the house that would not be inconsistent with the symmetrical pairs of semi-detached dwellings that are the predominant building typology in the cul-de-sac.
6. Although the extensions would increase the massing of the appeal building at its upper level, it is already taller than the adjacent bungalows. At present, the existing single storey side extensions have the visual effect of carrying the built form of the house across the whole width of the site. Due to the appeal building being set behind the frontages of both bungalows, the perceived increase in height would not appear incongruous, particularly as the bungalows at number 17 and 19 are also seen in context with a pair of two storey semi-detached houses to the opposite side. Whilst there is open land in the form of a park and playing fields beyond the appeal site, this open aspect is not especially obvious from street level and the extensions would not materially alter this.
7. The Council's Residential Extensions Supplementary Planning Guidance January 2002 (the SPG) sets out guidance on the design of house extensions. This states that it is preferable to maintain a gap between a side extension and a boundary shared with another house of at least a metre in order to provide a visual break and avoid creating a terraced effect. The appeal proposal would not meet this aspect of the guidance. However, the SPG is guidance rather than being prescriptive and in the circumstances of this case, due to the

configuration of the house plots at the end of the cul-de-sac, the appeal building is both taller than and set behind the neighbouring properties. In addition, it is also set at an angle to them. The proposed extensions would bring the upper level of the building closer to the boundaries but as the neighbouring buildings are single storey, there would be no terracing effect at the upper level and at ground floor level, the visual effect would be essentially similar to that which exists at present.

8. I therefore conclude that the proposed extensions would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policy DEC1 of Scarborough Borough Local Plan 2017 (the Local Plan), which expects, among other matters, that new development is of a high standard of design, reflects the local environment and responds positively to the local context.

Living conditions of neighbouring occupiers

9. Local Plan Policy DEC4 seeks to ensure that the living conditions of the occupiers of neighbouring properties are not adversely affected by new development in terms of overbearing impact; overlooking and loss of privacy; or overshadowing or loss of natural light; among other matters.
10. The proposed extensions would be close to the common boundary with both number 19 and number 23 the Close which are bungalows. When I visited the site, I had the opportunity to view the appeal building from both neighbouring properties. Whilst both properties have a secondary window to the main living room on the side elevation facing the appeal site, this is located forward of the proposed extensions and would not be directly affected by them.
11. The principal entrance to both bungalows is also located on the side elevation, in addition to windows which serve a separate w.c. and a bathroom. All the windows to these rooms in both properties are fitted with opaque glazing. Number 19 additionally has a secondary window to the kitchen on the side elevation.
12. The proposed extensions would be on a similar footprint to the existing single storey side extensions. Although taller than the present single storey side extension to the appeal building, the proposed side extension closest to number 23 would be located further from the boundary and further from the entrance door to the bungalow than the existing extension. Due to the nature of the rooms served by the windows toward the rear of the adjacent bungalows, the effect of the proposed extensions on these windows in terms of overbearing or loss of outlook would not be materially different from the current situation.
13. As a result of the relative positions and orientation of the appeal building and the neighbouring bungalows, the proposed two storey side extensions may result in some reduction in the daylight and sunlight received at the side elevations of numbers 19 and 23. There is no detailed technical evidence before me in terms of sunlight or daylight. However, the proposed extensions would not affect the amount of daylight or sunlight to principal windows of main habitable rooms within either neighbouring property. Whilst there may be some reduction in daylight levels to the bathrooms of the neighbouring properties, this is not sufficient reason to withhold planning permission. I am

also mindful that no objections to the proposal have been received from the occupier of either property.

14. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of properties at 19 and 23 The Close, with particular regard to overbearing and loss of light. It would not conflict with the relevant requirements of Local Plan Policy DEC4.

Conditions

15. I have had regard to the list of conditions that has been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings. In the interests of the appearance of the existing building and the surrounding area, it is necessary to attach a condition requiring the extensions to be constructed in materials which match the original house. Although none are shown on the submitted drawings, due to the position and orientation of the appeal building in relation to the neighbouring properties, were windows to be inserted in the side elevations of the permitted extensions, these would result in potential overlooking and loss of privacy to the occupiers of the adjacent bungalows. It is, therefore, necessary to attach a condition that would prevent new window openings being formed in the side elevations of the proposed extensions.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR