



Appeal Decision

Site Visit made on 1 February 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/E2001/D/20/3260835

7 Rawdale Close, South Cave HU15 2BT

- 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 Matthew Bloor against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/02494/PLF, dated 2 August 2020, was refused by notice dated 1 October 2020.
 - The development proposed is a single storey extension to rear to square off existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear to square off existing extension at 7 Rawdale Close, South Cave HU15 2BT in accordance with the terms of the application Ref 20/02494/PLF, dated 2 August 2020, 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: Plan No: 20.2918-01; 20.2918-03; 20.2918-04 rev A; 19.2697-07; 20.2918-02; 20.2918-06 rev A; and 20.2918-05.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those to be used in the existing building in accordance with plan No 20.2918-06 rev A.
 - 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 other than those expressly authorised by this permission shall be constructed on the west elevation.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form which accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 5 Rawdale Close (No 5) with particular reference to outlook.

Reasons

4. The proposal would extend to the rear off an existing extension to the original host property. In combination, this would be a long projection running close to the boundary of the attached neighbouring property No 5. It would, in this regard, conflict with the guidance for single storey rear extensions set within the Council's Design Guidance for House Extensions (Design Guide).
5. However, the long rear garden of No 5 and its open expansive outlook to the rear over the roofscape of the buildings beyond, due to the change in topography, would be unaffected. As such, there would continue to be a pleasant open outlook from both the garden and rear windows. In this context, the presence of the built form, with its low height, set behind the boundary fence, would not harmfully enclose No 5. Moreover, it would not appear overbearing or oppressive from either the garden or rear of the property.
6. I therefore conclude that, despite the conflict with the Design Guide, the proposal would not result in an adverse effect on the living conditions of the existing or future occupants of No 5, with particular reference to outlook. The proposal would therefore comply with Policy ENV1 of the East Riding Local Plan Strategy Document 2016 and paragraph 127 of the National Planning Policy Framework. These seek, amongst other things, to ensure good standards of living conditions for existing and future occupants.
7. Given the length of the garden associated with the host property, there would be a reasonable amount of external amenity space retained and the proposal would not result in an overdevelopment of the plot. Concerns regarding the potential use of the outbuilding at the appeal property are not matters that are before me as part of this proposal. Given the size and location of the extension there would be no impact on the adjacent Conservation Area.
8. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that external materials match those to be used at the existing building.
9. The removal of all permitted development rights associated with Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 is not necessary or clearly justified having regard to paragraph 53 of the Framework and the guidance within the Planning Practice Guidance. However, a condition restricting the inclusion of windows on the side elevation and restricting the use of the flat roof as amenity space, are necessary in the interests of the occupiers of No 5's privacy.
10. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Robert Walker

INSPECTOR