
Appeal Decision

Site visit made on 26 January 2021

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/E2001/D/20/3260278

12 The Paddock, Molescroft, Beverley HU17 7HB

- 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 Mooney against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01479/PLF, dated 14 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is the erection of a single storey extension to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties at Nos 10 and 14 The Paddock with particular regard to outlook and privacy.

Reasons

3. The appeal property comprises a semi-detached, two storey-dwelling. Properties either side are of similar design and construction age and have relatively long and narrow rear gardens. The Paddock is a residential street with the road having a relatively straight alignment. Nearby properties are sited with the front and rear facades positioned parallel with the road.
4. The adjoining property at No 10 has a single storey rear extension with French Doors and a glazed gable on the rear elevation. The Council indicates that this projects approximately 3.5m from the original rear elevation of the property. This extension is positioned close to the property boundary with the appeal site with an intervening timber fence which the Council indicates is approximately 1.8m high.
5. The adjacent property at No 14 to the north is separated by a shared driveway. This property has windows in the rear elevation and obscurely glazed windows in the side elevation but is not extended.
6. The proposed development would involve the construction of a rear ground floor extension with a shallow pitched roof which would replace an existing rear conservatory. The proposed extension would project approximately 8.63m from the original rear elevation of the appeal property and would be positioned

approximately 0.1m from the property boundary with No 10. There would be no openings in the southern side elevation facing No 10. Two windows and a door would be positioned in the northern side elevation facing No 14.

7. The Council has referred to its 'Design Guidance for House Extensions'. I have no evidence to suggest that this guidance has been formally adopted by the Council. However, the appellant recognises that it is attributed weight when determining submissions for house extensions. Whilst not attracting the weight of an adopted document, I consider that this document, nonetheless, provides useful guidance for the consideration of design issues associated with development proposals involving the provision of rear single storey extensions.
8. The guidance indicates that a single storey rear extension should not project more than 3.5m behind the rear wall of the neighbouring property but if the extension is set away from the boundary this projection may be increased, usually by the distance it is from the boundary. It also states that generally no windows should be positioned closer than 7.0m to boundaries unless screening or mitigation measures are proposed.
9. The Council indicates that the guidance would recommend a maximum of 7.1m projection from the host dwelling. The proposed extension would exceed this by 1.53m and would project 5.1m beyond the extended rear elevation of the adjoining property, No 10. The proposal would therefore exceed the maximum projection suggested by the guidance.
10. At my site visit I observed that the proposed rear extension would have a greater projection than any others in the immediate vicinity of the appeal property. I accept the appellant's view that the intervening fence between the appeal property and No 10 could be raised in height to 2m beyond its current height of approximately 1.8m. Whilst this may offer some mitigation, the proposal would still result in the appearance of a relatively long structure and continuous mass of brickwork and roof that would project above the intervening fence.
11. I accept that No 10 would still retain views of its long rear garden. Nonetheless, owing to its length and mass of built structure, the proposed extension would appear dominant, enclosing and overbearing in the proposed position close to the boundary fence and in close proximity to the existing French Doors and glazed gable on the rear elevation of the extension at No 10. This would result in an unacceptable sense of enclosure in the outlook from the rear elevation of No 10 and for users of the garden from where the structure would also appear as an overbearing feature. In combination, these factors would result in an unacceptable degree of dominance and create an enclosed environment for the occupiers of No 10 which would have an unacceptable detrimental effect on their living conditions.
12. With regard to the impact on No 14, the Council's concerns relate to a perceived loss of privacy and overlooking as a consequence of the proximity of the proposed windows and door in the northern side elevation to the property boundary with No 14. The Council indicates that these windows would be sited within 2.5m of the property boundary with No 14 and would thus be positioned approximately 1.5m closer to this adjacent property than the clear glazed windows in the current conservatory.

13. The intervening fence between the appeal property is approximately 1m high and therefore views of the rear garden area of No 14 are already attainable from the existing conservatory. The proposed windows, which would serve a bedroom, would provide limited oblique views of the rear windows and part of the rear garden area of No 14, separated by the intervening shared drive. However, I accept the appellant's view that the proposed bedroom is likely to be less occupied in terms of the attainment of outward looking views than is the current case with the existing conservatory.
14. The proposed windows would give the potential for a degree of overlooking of No 14. However, I have taken into account the facts that a separation distance, albeit smaller, would be retained, the oblique nature of views and the occupation period of the bedroom for outward looking views. These factors lead me to conclude that overlooking would not be of an extent to cause a material loss of privacy sufficient to warrant the dismissal of this appeal on that ground.
15. Furthermore, I also accept the fact that the extent of glazing at the rear and side of the appeal property would be reduced as a consequence of the removal of the conservatory and its replacement by the proposed development. Also, that a planning condition could be imposed requiring the windows to be obscurely glazed. Therefore, whilst the position of the proposed side windows and door would not wholly accord with the Design Guidance for House Extensions, in this case I do not consider that this would cause any material increase in overlooking beyond that which already occurs from the existing conservatory.
16. Although I have found that the proposed development would not result in overlooking of No 14 of an extent to cause a material loss of privacy, I find that the proposal would result in an unacceptable sense of enclosure and overbearing outlook in views from the rear ground floor windows of No 10. This would cause significant and unacceptable harm to the living conditions of the occupants of that property. The proposal would therefore be contrary to sub section B.4 of Policy ENV1 of the East Riding Local Plan Strategy Document 2012-2029. This policy, amongst other things, requires that new development achieves a high quality of design and has regard to the amenity of existing properties.

Other matters

17. I have some sympathy with the personal circumstances of the appellant and the need to provide additional ground floor accommodation. However, in considering the planning balance, this does not outweigh the harm that would be caused to the living conditions of the occupants of the adjoining property as a consequence of the length of the proposed extension.

Conclusion

18. For the above reasons, taking into account the development plan as a whole and based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR