



Appeal Decision

Site Visit made on 22 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2021

Appeal Ref: APP/E2001/D/21/3274509

35 Hilda Street, Goole, East Yorkshire DN14 6DS

- 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 Duncan Fielder against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/03573/PLF, dated 18 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is erection of single storey extension to rear of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
3. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of 33 Hilda Street with specific regard to light and outlook.

Reasons

5. The appeal property is a two-storey terrace dwelling. It is situated in a residential street of similar properties. The appeal property and both its attached neighbours have part two-storey, part single storey off-shoots. There is an existing boundary wall between the appeal property and number 33 Hilda Street that is approximately 1.8m in height and runs almost the same length as the two-storey section of the existing off-shoot. The wall then drops to around 1.3m in height. Number 33 Hilda Street has a rear reception room and a kitchen window that look onto the existing boundary wall, beyond which is the area where the extension is proposed to be sited.
6. The proposed extension would increase the height of the boundary wall, that would be formed by part of the extension, to 2.2m in height. This would run for 7.3m along the common boundary.

7. Due to its size, scale and the length of projection along the common boundary, I find that the single storey rear extension would appear dominant and create an increased sense of enclosure when viewed from 33 Hilda Street. For these same reasons, it would adversely impact upon the amount of daylight that the neighbouring property receives. Its overall impact would be exacerbated owing to the pitch of the roof of the extension that would be visible from 33 Hilda Street that would increase its overall dominance.
8. The proposed development would therefore cause unacceptable harm to the living conditions of the occupants of 33 Hilda Street with regard to light and outlook. It would be contrary to Policy ENV1 of the East Riding Local Plan (2016) which requires, amongst other things, that development has regard to the amenity of existing properties.
9. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (2021) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

10. I note that reference is made to the occupants of 33 Hilda Street supporting the proposed extension. Whilst this may be the case, it is necessary to bear in mind that the occupants of properties may change over time. Therefore, any support expressed for the scheme in this regard carries limited weight and does not override the harm I have identified overall.
11. I have had due regard to the personal circumstances in relation to disability that have been put forward. These have been considered in accordance with the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act. However, it does not follow from the PSED that the appeal should succeed and whilst I have given weight to the disability of some of the occupants of the appeal property, they do not outweigh the harm that would be created to the living conditions of the occupants of the neighbouring property were the appeal to be allowed.

Conclusion

12. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR