



Appeal Decision

Site Visit made on 21 July 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/C2741/D/21/3273765

48 Top Lane, Copmanthorpe, York YO23 3UJ

- 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 Nigel Dobbin against the decision of City of York Council.
 - The application Ref 20/02510/FUL, dated 6 December 2020, was refused by notice dated 29 March 2021.
 - The development proposed is first floor front and rear extensions and dormer extension to front of existing dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the planning application and the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published¹. Both main parties have been given the opportunity to comment on the effect of the revised Framework upon their respective cases. I have had regard to these comments and my decision is made in the context of the revised Framework.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - The character and appearance of the appeal property and the surrounding area; and
 - The living conditions of occupiers of 50 Top Lane, with particular regard to outlook and daylight and sunlight.

Reasons

Character and appearance

4. The appeal property is a modest semi-detached dwelling which has previously been extended in a manner reflecting other extended properties nearby. Thus, the large front porch is similar to that at No. 46 and the rear dormer window and single storey rear ground floor extension similar to those at the rear of the adjoining half of the pair.
5. Similarly, elements of what is proposed in this instance can also be seen elsewhere, such as at No. 46 which has a sizeable two storey rear extension

¹ 20 July 2021

(which also wraps around the side of that property) and No. 58, which has a dormer window on its front roof slope. What the examples I have been provided with do not demonstrate is a combination of many or all of these features. Nor, despite my observations of properties along a considerable length of Top Lane / Tadcaster Road and Merchant Way, did I see comparable examples of such combined extensions.

6. I am not, however, averse to the principle of a dormer window extension to the front elevation of the appeal property's roof. The examples that I have been provided with largely demonstrate how well-proportioned and modest dormer windows can range from being innocuously neutral to positive, pleasantly well-designed features. What is proposed in this instance however does not benefit from particularly generous insets from the front roof slope's extremities, particularly at its lower level (main house eaves level). Whilst reasonably well inset from the sides of the roof and ridge, the dormer window extension would nevertheless dominate the property's roof, whilst in oblique views between Nos. 46 and 48 the proposed and existing dormer cheeks would be visible together and add considerable bulk and massing to the roof.
7. Moreover, when considered cumulatively with the proposed first floor extension, the modest character and sense of proportion which the property's façade currently retains, would be completely lost. The Council's *House Extensions and Alterations* Supplementary Planning Document (SPD)² recognises the sensitivity of front elevations of properties to insensitive and poorly designed front extensions. These elements of the proposal emphasise the sensitivities that the SPD seeks to highlight.
8. I appreciate that the first-floor front extension would utilise the existing front porch to build upon and thus, in practical terms, its width and depth are set by the existing structure. However, that is not sufficient justification for this element of the proposal which would be unduly dominant in its own right and would undermine the pleasant proportions, and primacy of, the curved two storey front bay. Considered cumulatively with the proposed front dormer window extension, the result would be a cluttered, contrived and incongruously dominant addition to the front of the appeal property which would cause significant harm to the property's character and appearance, and appear a disruptive element within the wider street scene.
9. At the rear, the first-floor extension would, like that proposed to the front, take its width and depth from an existing ground floor build out. As a result, the first-floor extension would also extend across almost the entire width of the rear elevation. Located at the rear, it would not be widely visible from public vantage points. Nor, by virtue of existing outbuildings at Nos. 46 and 48 and a two-storey rear extension at No. 46, would it be particularly prominent from the rear of that property.
10. However, the first-floor extension would continue the existing main building's eaves level and as a consequence, despite the shallow roof pitch, the extension would be a bulky and dominant feature at the rear of the property. It would not appear subservient to the main house in terms of its scale, bulk and positioning, as advised by the SPD, and would interact awkwardly with the rear face of the existing dormer. In cumulative terms, the proposed first floor

² SPD (Approved December 2012) - the SPD states at paragraph 13.6 and Diagram 9 that the 45-degree guide is only calculated from neighbouring ground floor windows

extension and the existing dormer would combine to subsume the modest proportions and simple appearance of the appeal property, further compounded by the equally dominant and subsuming effect of the proposed front porch and extension.

11. I accept that there are a mix of house types and sizes along Top Lane, including the substantial presence of Smithson Court, opposite. However, there is a shared sense of scale, proportion and character amongst the row of semi-detached houses within which the appeal property lies. For the reasons I have set out, the various elements of the proposal would combine to overpower and subsume the modest proportions of the appeal property and result in an incongruously dominant, intrusive and disruptive element within the Top Lane street scene. As such, the proposed extensions would fail to respond positively to the property's immediate context and character in terms of scale and proportion or contribute positively to the surrounding area. The proposal is thus contrary to policies D1 and D11 of the Publication Draft Local Plan (PDLP) and policies GP1 and H7 of the Development Control Local Plan (DCLP), and the guidance set out in the SPD.

Living conditions

12. Both the appeal property and the adjoining half of the semi-detached property have been extended at the rear with pitched roof single storey extensions of broadly similar design and overall depth. Both extend across all, or a significant proportion of, each property's rear elevation.
13. The proposed first floor extension would be built up above the existing ground floor element at No. 48, thereby mirroring the ground floor element's width and depth, the latter of which is in the region of 4 metres. As the proposed extension would lie to the southwest of the rear elevation of No. 50, it is reasonable to conclude that it would be likely to result in additional over-shadowing and loss of direct sunlight at certain times of the day and at certain times of the year.
14. However, the rear aspect of this pair of semi-detached houses is south-east facing, largely open and with views along lengthy rear gardens. The nearest houses to the rear are some distance away and, whilst there are intervening trees and vegetation within the rear gardens, the outlook remains pleasantly open.
15. There would be some additional impact in terms of loss of daylight and direct sunlight, but the sun's path is such that the existing buildings are already likely to be a significant shading factor for at least the latter part of the day. Although there is a first-floor window at the neighbouring property which would be reasonably close to the proposed extension, the Council's officer report confirms that the extension would not breach the 45-degree guidance set out in the SPD. Nor have I been referred to any detailed or specific upper dimension thresholds for the depth of rear extensions in the PDLP or DCLP policies.
16. In terms of assessing the likely additional impacts of the proposed first floor upon the neighbouring property, with both properties having been previously extended at ground floor the situation is somewhat akin to a proposed single storey extension. Thus, from the closest window at the rear of No. 50, the extension's flank elevation would have the appearance of a single storey

extension, whilst the extension's low roof pitch would be such that its roof would not be a significant factor.

17. Taking account of the lengthy, largely open and pleasant southeast facing outlook from the rear of the neighbouring property, I am not persuaded that the proposal would result in a sufficiently harmful level of overshadowing and loss of daylight / sunlight as to justify withholding permission on these grounds. So too, with regard to the degree of outlook enjoyed from the first-floor rear windows of the neighbouring property which, whilst the field of vision from this window would be reduced, the impact of this would not be so significant or harmful as to warrant dismissal.
18. For these reasons, I am not persuaded that there would be conflict with the collective aims and provisions of DCLP policies GP1 or H7, or PDLP policy D11 which, together, seek to protect and avoid adverse effect on residential amenities and living conditions. There would be no conflict with PDLP policy D1 which considers the broad principles of 'Placemaking' and has no direct relevance to the effects of proposals on the living conditions of occupiers of neighbouring properties.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR