



Appeal Decision

Site visit made on 17 August 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/N2739/D/21/3278221

3 Church Hill Rise, Sherburn in Elmet LS25 6FH

- 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 E Bakes against the decision of Selby District Council.
 - The application Ref 2020/1329/HPA, dated 1 December 2020, was refused by notice dated 14 May 2021.
 - The development proposed is New rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the new rear extension at 3 Church Hill Rise, Sherburn in Elmet LS25 6FH in accordance with the terms of the application 2020/1329/HPA, dated 1 December 2020, subject to the conditions within the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the adjacent occupants with regards to light levels and sense of overbearing.

Reasons

3. The appeal property is a semi-detached town house style dwelling located in a modern planned housing estate. The garage links to the adjacent neighbour of No 2 Church Hill Rise. From my visit I could see that dwellings along this side of the estate have raised patio areas and gardens located at a lower level to the main dwelling. The pairs of semi's share the same fenestration patterns, French doors and kitchen window overlooking the rear aspect.
4. The proposed extension would project along both neighbouring party boundaries. There are original timber fences separating the houses from one another and these follow the gradient of the land although are a consistent height of approximately 1.8m.
5. No 4 Church Hill Rise has a kitchen window located close to the party boundary although it is set in from the boundary, with a large glazed French door positioned adjacent. Even with the proposal in place, the outlook from the rear window and French door would remain one of an otherwise open aspect given the low roof profile proposed over the extension that would allow clear views across. It would not be of such a scale or mass to lead to an overbearing sense of enclosure to the occupants from an internal or external perspective.

6. Some overshadowing has been demonstrated to occur at differing times of the year with the extension in place. However, some level of overshadowing would already arise due to the location of the existing timber fence, as demonstrated. The proposal would not significantly increase this level to an extent that would result in a detrimental impact to the occupants of this dwelling.
7. The linked garages would provide a generous separation between the rear ground floor openings of No 2 and the position of the proposal. It would not be within close quarters of the neighbouring fenestration and French door to detrimentally harm the outlook from either. Further, it would have very limited effect on the external space of this property as this space is large with an otherwise open character. It would not appear overbearing when viewed from the rear of the property or result in a sense of enclosure to the occupants.
8. Some slight overshadowing has been demonstrated to occur to the rear external space at certain times of the year, but to a very limited degree. It would not detrimentally compromise the living conditions of the occupants as a consequence.
9. To conclude, I have found that the proposal would not lead to harm arising to the living conditions of adjacent occupants by virtue of loss of light or outlook. It would thus comply with the design aims of the Selby District Core Strategy Local Plan 2013 Policy ENV1.

Conditions and conclusion

10. I have had due regard to the Council's proposed conditions. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area.
11. For the reasons I have set out there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans & Elevations A(10)001; Proposed Floor Plans & Elevations A(20)001.
- 2) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 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.

End of Schedule