



Appeal Decision

Site visit made on 3 August 2021 by Darren Ellis MPlan

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/E2001/D/21/3274466

Fecilita, 54 Main Street, Gowdall, DN14 0AE

- 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 Sam Horton against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/03884/PLF, dated 21 November 2020, was refused by notice dated 3 March 2021.
 - The development proposed is described as double storey extension on top of old single storey to rear and new roof on single storey to side.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. At the time of my site visit, the extensions that are the subject of this appeal had largely been constructed with just the exterior materials to be applied. However, the single-storey side extension as built had two different roof heights whereas the submitted drawings only show a single roof height for the single-storey extension. The extension with two roof heights does not appear to have been applied for in the original application and therefore this appeal has therefore been determined on that basis of the plans that are before me.
 4. The appellant contends that the single-storey side extension could be constructed without planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, whether or not the single-storey side extension is permitted development is not for me to consider in the context of an appeal made under s78 of the above Act.
 5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the
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Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

6. The main issue is the effect of the development on the living conditions of occupiers of No 52 Main Street with particular regard to light and outlook.

Reasons for the Recommendation

7. The appeal property comprises a detached two-storey dwelling set in a generous plot. Both the single-storey side extension and two-storey rear extension abut the boundary with No 52. The single-storey extension is largely adjacent to the single-storey garage at No 52 and, as a result of its position and height, does not cause any harm to the occupiers of No 52, either in terms of loss of light or outlook.
8. The two-storey rear extension however projects beyond the rear elevation of No 52, and significantly exceeds the 1.5m maximum projection of a two-storey rear extension beyond the rear wall of the neighbouring property, as set out in the Council's Design Guidance for House Extensions (DGHE). Given the separation distance between the extension and rear-facing windows in the main dwelling at No 52, the extension does not have any undue impact on the outlook from these windows.
9. However, the rear garden of No 52 has a concrete patio and seating area immediately adjacent to the rear extension, with the rest of the garden laid to lawn. The two-storey extension adds considerable bulk to the side and rear of the appeal property. Such an expanse of blank wall is an obtrusive feature and due to its proximity causes a significant overbearing impact and increased sense of enclosure to the users of the area of rear garden nearest to the house at No 52.
10. The two-storey extension is oriented to the west of the garden of No 52. As is illustrated by the analysis provided by the appellant, the extension would not cause additional overshadowing of the rear windows or garden of No 52 for most of the year. However, during the summer months, the analysis shows the sun going beyond a point due west of the appeal property. When the sun goes beyond this point it would be getting continually lower in the sky which would lengthen the shadows that would be caused by the two-storey extension. These shadows would project across the rear windows and the area of garden closest to the house at No 52, including the patio and seating area, making the rooms that these windows serve and the patio area less pleasant to use particularly during the summer months.
11. Overall, the development has an overbearing impact and causes overshadowing and a loss of light that would detract from the enjoyment of the outside space and living accommodation to No 52. It thereby causes harm to the living conditions of the occupiers at No 52 Main Street, in conflict with policy ENV1 of the East Riding Local Plan 2012 – 2029 Strategy Document (April 2016) which requires, amongst other things, for development to have regard to the amenity of existing properties. The development also conflicts with paragraph 130 f) of the Framework, which requires development to create

a high standard of amenity for existing and future users, and the guidance contained in the DGHE.

Other Matters

12. My attention has been drawn to other examples of extensions in the surrounding area. Whilst full details on the circumstances surrounding the grant of planning permission for these developments has not been provided, it appears that the two-storey element of the extension at 50 Main Street¹ is set away from the boundary with only a single-storey wall abutting the boundary with No 52. Furthermore, No 50 is on the opposite side of No 52 to the appeal property and as a result of this orientation would not cause any overshadowing of No 52. The part of the two-storey extension at 48 Main Street² that projects beyond the rear elevation of No 50 is set away from the boundary and appears to have less of a projection beyond No 50 than the appeal scheme has beyond No 52. For these reasons, I am not persuaded that the existing extensions nearby are directly comparable to the scheme before me. In any case, this appeal has been determined on its own merits.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, the development conflicts with the development plan and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

RC Kirby

INSPECTOR

¹ Planning application ref. 07/00072/PLF

² Planning application ref. 13/00279/PLF