The Planning Inspectorate

Appeal Decision

Site Visit made on 12 October 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2021

Appeal Ref: APP/E2734/D/21/3279336
2 Laburnum Court, Church Lane, Moor Monkton, York YO26 8JA

- 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 Ms Vicky O'Mara against the decision of Harrogate Borough Council.
- The application Ref: 21/01448/FUL, dated 1 April 2021, was refused by notice dated 6 July 2021.
- The development proposed is described as: Erection of a 2 storey rear extension to the existing dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's Grounds of Appeal refer to an amended drawing, extracts of which are included in the text of the document. The status of this drawing was queried with the parties as the copies of the planning application drawings provided by the Council as part of its Questionnaire return and appeal submissions did not show these amendments.

3. Although the appellant states that it is their understanding that these amendments were considered by the Council alongside the originally submitted drawings, the Council has advised that these were not formally submitted, or accepted, as an amendment to the scheme. There is no evidence that would indicate that the views of neighbouring occupiers or other interested parties were sought on this amendment. The planning officer's report does not make reference to the proposal being amended, nor does it address the effects of the proposal having regard to the amendments. This leads me to conclude that the Council made its decision on the proposal as originally submitted.

4. Whilst I have subsequently been provided with a full copy of the drawing from which the extracts in the appellant's Grounds of Appeal were taken (Drawing Number LCM_2103-04-01 Revision .03 (Proposed – GA Plans), it is not the purpose of the appeal process to evolve the scheme to overcome the objections that have been raised by the Council. What is considered at appeal should be the same proposal that was considered by the Council and upon which it made its determination. Consequently, I have not considered this amended drawing and have determined the appeal based on the details shown on Drawing Number LCM_2103-04-01 Revision .01 (Proposed – GA Plans).

Main Issues

5. The main issues in this appeal are:

   - The effect of the proposed development on the character and appearance of the area; and
   - The effect of the proposed development on the living conditions of the occupiers of the neighbouring property, with particular regard to overshadowing, outlook, and overbearing.

Reasons

Character and appearance

6. The appeal building is a two storey house at the end of a short terrace of three, modern, houses. It is of traditional construction in brick under a tiled, pitched, roof. The appeal scheme proposes a two storey, flat roofed, rear extension across the whole width of the rear elevation of the building projecting approximately 3 metres from the original rear elevation.

7. When read together, Policies HP3 and HS8 of the of the Harrogate District Local Plan 2020 (the Local Plan) expect new development, including extensions to dwelling houses, to protect, enhance, or reinforce, local distinctiveness, and to have regard to the built form and context of the development so as to prevent any adverse effects on the character or appearance of the dwelling or the surrounding area. More detailed advice on the design of domestic extensions is set out in the Council's House Extensions and Garages Design Guide Supplementary Planning Document 2005 (the SPD), which is to be read alongside the more general design policies in the Local Plan.

8. The SPD sets out that extensions should reflect local distinctiveness in scale, proportions, and height, and adds that an extension should normally be subservient to the original house except in exceptional circumstances when it is appropriate to "re-order" the house. It also states that flat roofed extensions are unlikely to be permitted.

9. The village of Moor Monkton is a small, largely linear, settlement, following the line of Church Lane and East Lane. There are a few small enclaves of housing set behind the principal street, including to the rear of the appeal building. From what I saw during my site visit, the village appears to have evolved around a number of farm steadings and these are still evident within the surrounding built form. The buildings in the village are in a range of ages and styles, predominantly constructed of red brick with some examples of rendered and painted brickwork. Roofs are generally pitched and finished in red tiles, although there are some hipped roofs on more modern insertions into the built form of the village.

10. The appeal building and its neighbour at number 1 Laburnum Court are of a similar and design and plan form. The third building in the terrace, Laburnum Lodge has a wider frontage and higher ridge and eaves. This form and configuration of the terrace echoes the built form of many of the older buildings in the village and, in particular, those that were previously agricultural buildings. The terrace forms part of a group of houses that appear to be contemporaneous with each other, and designed to emulate a farmhouse, and its associated steading and outbuildings. An access between Laburnum Lodge

and Laburnum Farm House leads to a private court containing two further dwellings set behind the houses fronting Church Lane.

11. I observed during the site visit that it is not uncommon for buildings in the area to have two storey rear or side additions that are set at a lower level than the main part of the building. However, I also saw that these additions have pitched roofs, and that flat roofs are rare and generally not present on such two storey additions.

12. Within this context, the proposed extension would introduce an anomalous feature onto the building that would appear incongruous, and which would undermine the design approach taken to the group of buildings of which the appeal building forms part.

13. Although the proposed extension would be to the rear of the appeal building, it would be prominent from within the courtyard area to the rear which forms a semi-public space, providing access to two houses set within it in addition to providing access for parking at the appeal building and its neighbour. I also saw when I visited the site that the upper part of the extension would be visible from Church Lane, seen through the gap between the single storey dwelling to the east in short range views. Consequently, the proposed extension would have sufficient visual prominence in the area to have an effect upon its character and appearance.

14. The appellant suggests that the extension would not be large. Nonetheless, an increase in the footprint of the building of 32% would not be inconsequential, particularly when it relates to a two storey extension. Whilst the flat roofed extension would be lower than the main roof of the house, the proposal would result in the rear elevation being extruded from the building across its entire width. Within this context, I do not find that the proposed extension would be perceived as subordinate to the original house.

15. I have noted the appellant's points that the proposed extension would be built in brickwork to match the existing house and would re-use the existing bedroom window and patio door and that, as a result, the end elevation of the extension would effectively replicate the rear elevation of the original house. Whilst this would, to a degree, maintain the appearance of the rear of the terrace, it does not take into account the three-dimensional aspect of the proposal and the fact that the respective elevations would no longer be in the same plane.

16. My attention has also been drawn to a planning permission granted at a nearby property, Nidd Rise[1] where it is stated that a large flat roofed extension has been permitted. However, I have not been provided with full details of that proposal, or any drawings relating to it. When I visited the site, I was unable to see the whole of this building due to its relationship with those adjacent to it. Consequently, I cannot be certain that the circumstances which led to that permission being granted are similar to the case presently before me. This notwithstanding, I did see that the size and configuration of this building is distinctly different from the appeal building and, as a result, I do not consider that it is directly comparable to the appeal building. In any event, each planning application and appeal has to be determined on its own merits.

[1] Planning Permission Reference 17/04428/FUL

17. Drawing the above strands together, the proposed extension, due to its size and design would introduce a feature to the appeal building that would be inconsistent with the design approach taken to the original house and uncharacteristic of the surrounding area. Due to its degree of prominence in the public domain, it would not preserve the local distinctiveness of the area and would be inappropriate to its context.

18. I therefore find that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies HP3 and HS8 of the Local Plan or the guidance in the SPD.

Living conditions of neighbouring occupiers

19. The rear elevation of the neighbouring property at number 1 Laburnum Court is essentially identical to the appeal building in having a centrally placed patio door, with smaller flanking windows, at ground floor level serving the principal living room, and a centrally placed bedroom window at first floor level on the rear elevation. I have no reason to believe that the internal configuration of the neighbouring house is different from that of the appeal building. The garden areas of the two dwellings are separated by a timber fence approximately 1.5 metres high with an open trellis above. The rear elevations of the buildings are orientated such that they face generally south south-east.

20. The guidance in the SPD regarding rear extensions states that extensions should not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties. It goes on to state that two storey extensions on terraced properties with limited rear gardens will generally not be acceptable due to the impact on the neighbouring property.

21. The appeal proposal would result in a two storey extension projecting 3 metres beyond the rear elevation of the building directly adjacent to the common boundary between the two houses. There is no technical information before me in respect of sunlight or daylight. Nevertheless, it was apparent from my site visit that the combination of the orientation of the properties, the narrow width of the neighbouring property, and the position of the window openings, that the proposal will result in overshadowing of the rear elevation of the neighbouring house. This would occur in the morning and until the sun moves to a position to the south of the proposed extension. The overshadowing effect would be more noticeable at ground floor level due to the greater width of the ground floor window and this window serving the principal habitable room of the house.

22. Whilst this overshadowing would only occur for part of the day, it would, nonetheless, have a marked adverse effect on the principal living room of the neighbouring property and, as a result, be harmful to the living conditions of the occupiers of that property.

23. Although the proposed extension would be visible in oblique views from the ground floor and first floor windows of the neighbouring house, it would not project so far that it would significantly reduce the outlook from these windows from within the building because of the presence of open garden areas to the rear of number 1 and Laburnum Lodge at the west end of the terrace. Consequently, I do not find that the proposal would cause harm to the living conditions of the occupiers in this respect.

24. Notwithstanding the above, both the appeal and the neighbouring property have short rear gardens with car parking spaces beyond. The current rear garden of the appeal building is approximately 6.7 metres in length, and I observed that due to the configuration of the plots the rear garden of number 1 is slightly shorter than that of the appeal building. The rear garden of number 1 is only the same width as the house, at approximately 4.5 meters. The proposed extension would project for approximately half the length of the neighbouring garden at two storeys in height. Due to the restricted size of the rear garden of number 1 Laburnum Court, the presence of a two storey extension directly adjacent to the boundary would have an overbearing effect on this limited amount of private external space, notwithstanding that it would be open to the opposite side. This would diminish the enjoyment and utility of the rear garden area and, as such, would be harmful to the living conditions of the occupiers.

25. It is common ground that the proposed extension would not give rise to problems of overlooking or privacy and would not result in any issues relating to noise, disturbance, odour, or vibration. Nonetheless, taking the proposal as a whole, the combination of overshadowing of the principal habitable room and the overbearing effect on the limited private outdoor amenity space would make the neighbouring house a less pleasant place to live.

26. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of the neighbouring property, with particular regard to overshadowing and overbearing. It would therefore be contrary to the relevant requirements of Policies HP4 and HS8 of the Local Plan and the guidance in the SPD which, when read together, seek to ensure that development proposals do not result in adverse effects on the amenity of adjoining occupiers.

Other Matters

27. I have had regard to the appellant's personal circumstances as set out in their statement. The provision of an additional bedroom would, no doubt, be beneficial to the appellant and their family. However, the planning system primarily operates to regulate the use and development of land in the public interest, and it is necessary to balance private interests against potential environmental and other harm.

28. The Council's planning policies and guidance that I have been provided with do not contain any provisions that would accommodate or make exception for the appellant's particular personal circumstances.

29. The appeal proposal would result in permanent and lasting harm to the character and appearance of the area and to the living conditions of the current and future occupiers of the adjoining property. Whilst the appellant's personal circumstances can be a material consideration and can be attributed a moderate degree of weight, I do not find that this is sufficient to justify the enduring harm that the proposal would cause, or to overcome the conflict with the development plan.

30. I have also noted that there have been no objections raised to the proposal by any neighbours or other interested parties. However, this of itself does not lead me to a different conclusion on the main issues in the appeal.

Conclusion

31. The proposed development would cause harm to the character and appearance of the area and to the living conditions of the occupiers of the neighbouring house. As such, it would not comply with those policies in an up-to-date development plan which are most important to determining the appeal and no material considerations have been identified that would indicate that a decision can be made otherwise than in accordance with the requirements of the development plan.

32. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR