The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/E2001/D/21/3285311
29A Inglefield Close, Beverley HU17 8XG

- 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 & Ms Barry & Gwen Anson & Percival against the decision of East Riding of Yorkshire Council.
- The application Ref 21/01475/PLF, dated 16 April 2021, was refused by notice dated 2 September 2021.
- The development proposed was originally described as 'proposed two storey extension at side of existing two storey domestic dwelling with new front entrance porch and conversion of existing garage to form new family room as part of proposed new layout'.

Decision

1. The appeal is allowed and planning permission is granted for the proposed two storey extension at side of existing two storey domestic dwelling with new front entrance porch and conversion of existing garage to form new family room as part of proposed new layout at 29A Inglefield Close, Beverley HU17 8XG in accordance with the terms of the application, Ref 21/01475/PLF, dated 16 April 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 31 Inglefield Close (No 31) with particular reference to outlook and light.

Reasons

3. I have no substantive evidence before me as to the extent of any loss of light. However, the appeal property lies to the north of No 31 and No 31's rear garden is positioned to the east of the dwelling. As such, given the direction of the appeal property, even considering the potential that some evening sunlight may pass through the gap between the existing houses, it is reasonable to conclude that there would be no significant shading effects from the proposal in the rear garden of No 31.

4. The first floor of the proposed side extension would be stepped in from the front façade and stepped down from the height of the existing ridgeline. Most of the proposed extension would be located to the side of the house and there would be minimal impact on the sense of space to the front and rear. As such, it would not appear as an overdevelopment of the site.

5. The proposal would result in a greater sense of enclosure along the access path at the side of No 31. This would also be experienced when exiting No 31's side door which would open out facing the side of the proposed extension. However, the path has a more functional use, in contrast with the more useable garden space which has a higher amenity value. Moreover, the door is fitted with obscure glazing and this, along with the position of the proposed extension to the north, would moderate the effects of the proposal internally within the property. As such, the overall effects on the living conditions of the occupiers of No 31 would not be significantly harmful.

6. I therefore conclude that the proposal would not result in an unacceptable effect on the living conditions of the occupiers of No 31 with particular reference to outlook and light. I therefore find no conflict with the requirements of Policy ENV1 of the East Riding Local Plan Strategy Document 2016 or paragraph 130 of the National Planning Policy Framework. These seek, amongst other things, to ensure high standards of living conditions for existing and future occupants.

Other Matters

7. The scale, form and appearance of the resulting dwelling would be compatible with the character and appearance of the area. The immediate residential area comprises of a mix of property types with many having a small gap between houses. The proposal would not therefore be at odds with the spatial pattern of built form in the area, even though there are examples within the cul-de-sac of larger gaps.

8. Access to the rear of No 31 would remain along its path. The granting of any planning consent would not override any private legal matters, including any rights of access. A degree of overlooking in residential areas, such as this, is not unusual from first floor windows. Moreover, the roof of the garage and angle of view would limit the amount of overlooking from the proposed bedroom 5. In this context, the proposed first floor windows would not lead to a significant increase in overlooking. There is an existing window and door on the south elevation. Moreover, the proposed windows on the south elevation would be obscure glazed and this could be controlled by way of a condition. As such, there would be not be an unacceptable loss of privacy.

9. The proposal would provide three off street parking spaces. Moreover, even if parking did occur along the estate road, there is no firm evidence that this would result in an unacceptable highway or pedestrian safety risk.

Conditions

10. I have adapted the Council's suggested conditions where necessary in the interests of precision and brevity. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that external materials match those to be used at the existing building.

11. A condition requiring obscure glazing and limiting the opening of the side windows is necessary in the interests of the occupiers of No 31. A condition

requiring the parking area to be laid out is necessary to ensure that sufficient off street parking is available.

12. A condition relating to the protection of the retained trees prior to works commencing are appropriate in the interests of the health of the trees and the visual amenity of the area. Consent has been obtained from the appellant for the use of the pre-commencement condition, as the carrying out of building work in advance of protection measures could undermine the health of the trees and subsequently their contribution to the visual amenity of the area.

Conclusion

13. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Dwg No: 2103-03 REV-A; 2103-06 REV-A; 2103-14 REV-A; 2103-10 REV B; 2103-13 REV B; and 2103-16 REV C.

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.

4) No development shall take place on site (including site clearance works and any other preparatory works) until the tree protection measures as shown on the approved plan 2103-16 REV C have been fully installed. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area (the eastern part of the rear garden area), and the ground levels within the fenced area shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

5) Before the development hereby permitted is first brought into use, the windows on the south facing side elevation shall be glazed in obscure glass to a minimum of Pilkington Privacy Level 3 or equivalent, shall be non-opening below a height of 1.7 metres measured from the internal finished floor level and no part of the opening section of the windows shall extend beyond the boundary of the site. The windows shall be permanently retained in that condition thereafter.

6) Space shall be provided within the site for the parking of at least three vehicles (as shown on the approved plan 2103-16 REV C) before the development hereby permitted is first brought into use, and this provision shall thereafter be retained and not used for any other purpose.

End of Schedule