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# Appeal Decision

Site visit made on 21 April 2022

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> May 2022**

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**Appeal Ref: APP/E2001/D/22/3294326**

**14 Barnes Close, Beverley HU17 0QX**

- 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 Mrs J Graham against the decision of East Riding of Yorkshire Council.
  - The application Ref 21/03876/PLF, dated 14 October 2021, was refused by notice dated 31 January 2022.
  - The development proposed is Construction of a double hip-to-gable roof extension increasing the roof height for additional living space.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal was amended during the application process. As such, the Council determined the proposal based on the amended plans submitted and the description given in the banner heading above. For clarity, this is also the basis on which I have made my assessment.
3. The Council's reason for refusal refers to No 21 Beaver Road. However, it is clear to me from the Officer Report that the concerns relate to No 27 Beaver Road, and this has subsequently informed the following main issues.

## Main Issues

4. The main issues are the effect of the proposal on the living conditions of the occupiers of No 27 Beaver Road, with particular reference to outlook and the living conditions of the occupiers of No 39 Beaver Road, with particular reference to overlooking of the rear garden.

## Reasons

### *No 27 Beaver Road (No 27)*

5. No 27's rear elevation faces toward the side of the appeal building and it has a small rear garden. As such, the appeal building's upper section of its side wall and hipped roof are prominent features from No 27 as they rise above the boundary fence. Despite this, the existing hipped roof form, and its distinctly low height, moderate the effects of this close proximity.
6. Moreover, although the appeal building's neighbouring property along Barnes Close is larger, due to its distance from No 27, and the position of the appeal building in between, there remains an open quality to the rear of No 27.

7. The proposal would create a gable roof form which would significantly increase the amount of roof slope facing No 27. The pitch of the slope would run away from the boundary. However, given the particularly small garden of No 27 and the close position of the appeal building to the garden, the increased massing would appear unduly oppressive, creating an unacceptable sense of enclosure.
8. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 27 with particular reference to outlook. As such, I find conflict with the requirements of Policy ENV1 of the East Riding Local Plan Strategy Document (LPSD) (2016) and paragraph 130 of the National Planning Policy Framework (the Framework). These seek, amongst other things, to ensure good standards of living conditions for existing occupants.

*No 39 Beaver Road (No 39)*

9. No 39 has a long rear garden which is bordered by several neighbouring gardens, including at No 27, 13 Barnes Close and 24 Lyndhurst Close. These dwellings all have upper floor windows facing at various angles to No 39's garden. In this regard, a degree of overlooking in residential areas, such as this, is not unusual.
10. The proposal would result in another first floor window overlooking No 39's garden at a relatively close distance. However, it would be positioned toward the upper section of the long rear garden, rather than the section nearer the neighbouring dwelling. Moreover, given the small size of the window, as it would serve a bedroom, and given the context of other residential properties having various degrees of overlooking, the extent of overlooking would not be significantly different to the existing situation.
11. I therefore conclude that the proposal would not result in an unacceptable effect on the living conditions of the occupiers of No 39 with particular reference to overlooking of the rear garden. As such, I find no conflict with the requirements of Policy ENV1 of the LPSD or paragraph 130 of the Framework.

**Other Matters**

12. The absence of harm in relation to other considerations, including shadowing effects are neutral matters that weigh neither for nor against the proposal.
13. The appellant has made changes to their scheme with the view to finding a solution. However, this is not a matter for my consideration in this appeal and I am only able to make my decision considering the plans that were before the Council when they made their decision.

**Conclusion**

14. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

*Mr R Walker*

INSPECTOR