



Appeal Decision

Site visit made on 17 June 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/E2001/D/22/3293056

Beech House, 9 Hymers Close, Brandesburton, Driffield YO25 8SQ

- 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 D Rushton against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/01566/PLF dated 21 April 2021, was refused by notice dated 2 December 2021.
 - The development proposed is erection of porch extension and installation of roof light to front, two storey extension to side, two storey and single storey extension to rear
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Decision

1. The appeal is dismissed insofar as it relates to the two storey extension to side, two storey and single storey extension to rear. The appeal is allowed insofar as it relates to the erection of porch extension and installation of roof light to front.
2. Planning permission is granted for erection of porch extension and installation of roof light to front at Beech House, 9 Hymers Close, Brandesburton, Driffield YO25 8SQ in accordance with the terms of the application, Ref 21/01566/PLF, dated 21 April 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following 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: Proposed Block Plan/Roof Plan and Site Location Plan 2020-046 (PL) 001 REV B, Proposed Ground and First Flood Plans 2020-046 (PL) 002 REV B, Proposed Elevations 2020-046 (PL) 003 REV B.
 - 3) The materials to be used in the construction of the external surfaces of the rear single storey extension and detached garage hereby permitted shall match those used in the existing building.

Procedural Matter

3. The Council altered the description of the development, I consider the revised description to be a more accurate description of the appeal proposal, accordingly I have adopted the amended descriptions in the heading above.

Main Issues

4. The main issue in this appeal is the effect the proposed two storey rear extension would have on the living conditions of the occupiers of the neighbouring properties, No. 26 The Poplars and No. 7 Hymers Close.
5. The Council considered the effect of the porch extension and installation of roof light to front during the determination of the application and raised no concerns, from the information I have before me I do not disagree.

Reasons

6. The appeal site is a detached property located within a predominately residential area at the head of a cul-de-sac with substantial private amenity space.
7. The proposed development would introduce a dormer window facing the rear garden of No. 7 Hymers Close, I observed during my site visit that overlooking between surrounding properties is not uncommon.
8. The proposed dormer window would not comply with the Council document Design Guidance for House Extensions, A Guide for Home Owners on How to get Planning Permission to extend your house which suggests that 10 metres should remain as the normal distance required between a first floor window on an extension and any boundary it faces.
9. The appellant has provided photographs from No. 7 towards the appeal site and sectional drawing detailing the window in relation to the intervening garages and the garden area of No. 7. Based on information submitted and my observations on site it is unlikely that direct overlooking would occur.
10. The proposed rear extension would be approximately 1.8 metres away from the boundary shared with No. 26 The Poplars. It is understood that the proposed development has been amended during the course of the application to reduce the effect of the development on the neighbouring property. Notwithstanding this due to the siting, scale and design of the proposal in relation to the neighbouring property, the built form would be a bulky addition to the property.
11. No. 26 has a modestly sized private rear amenity space, the distance between the rear elevation of No. 26 and the proposed development would lead to an overbearing sense of enclosure to the occupants of the neighbouring property.
12. Windows proposed in the rear elevation of the development would be screened to a degree by the existing boundary enclosure shared with No. 26. I am also conscious that a first floor window exists overlooking No. 26. Notwithstanding this the proposed windows located closer to the boundary would present an enhanced sense of being under surveillance and to my mind would significantly diminish the enjoyment of the neighbouring property. Whilst the Appellant contends these windows could be obscurely glazed, this would not alleviate my concerns relating to the development.
13. The proposed development would not sit comfortably in relation to the neighbouring property, No. 26, and would be overbearing and dominant.
14. A Sun Path Analysis has been provided by the Appellant which demonstrates that there would be an increase in overshadowing from the proposed

development to No. 26. I have not been provided with substantive evidence to demonstrate that this increase in overshadowing would not harm the living conditions of the occupants of the neighbouring property.

15. I find that the proposed development would not harm the living conditions of the occupants of No. 7 Hymers Close, however would harm the living conditions of the occupants of No. 26 The Poplars.
16. The proposed development would conflict with Policy ENV1 of the East Riding Local Plan 2012-2029, Strategic Document (2016) which seeks amongst other things to protect the amenities of existing properties.
17. There is also conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Conclusion and Conditions

18. For the reasons given above, I find the proposed porch and front rooflight are clearly severable both physically and functionally from the two storey extension to side, two storey and single storey extension to rear. I conclude that the appeal should succeed in relation to the porch extension and installation of roof light to front. However, on the basis of my findings relating to the two storey extension to side, two storey and single storey extension to rear the appeal should be dismissed.
19. In respect of the porch and front rooflights I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added conditions concerning materials to ensure a satisfactory appearance.

C Pipe

INSPECTOR