



Appeal Decision

Site visit made on 11 July 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/E2001/D/22/3299834
101 Queensgate, BEVERLEY, HU17 8NJ

- 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 and Mrs Alan Robinson against the decision of the East Riding of Yorkshire Council.
 - The application Ref 21/04542/PLF, dated 9 December 2021, was refused by notice dated 6 May 2022.
 - The development proposed is the erection of a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed rear extension on the living conditions of the occupiers of neighbouring dwellings by way of light, privacy and outlook.

Reasons

3. No 101 is a wide-fronted mid-terraced house situated on the eastern side of Queensgate. It would appear that it has been extended in the past with a combination of two-storey and single-storey elements to the rear, including a single-storey kitchen/dining area. There are outbuildings to the rear of the dwelling and a rear garden area that is stepped down from the level of the rear of the house, reflecting the topography of the immediately surrounding area. The appeal site boundary also includes two buildings to the south of the main house that are apparently in use as holiday lets.
4. The proposed extension would be at first-floor level, above part of the earlier single-storey extensions at the rear of the house. It would be some 7.5 metres in depth, projecting beyond the existing rear elevation of the house at first-floor level. It would have full-height sliding doors in the southern elevation. It would have a pitched roof and would use bricks to match those of the existing house if possible.
5. Policy ENV1 of the Council's Local Plan Strategy Document (LP) indicates that development will be supported where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place. This will be accomplished by, amongst other things, having regard to the amenity of existing or proposed properties. The Council's Design Guidance for House

Extensions (DG) indicates that the design of any extension must ensure that it does not unreasonably reduce the privacy of neighbouring properties, including their private garden areas, and that the degree of impact in terms of dominance and overshadowing also needs careful consideration. With regard to two-storey rear extensions, the DG indicates that they will normally be acceptable provided that they do not project more than 1.5 metres behind the rear wall of the neighbouring property.

6. The Council contends that, by virtue of the inappropriate size, scale and siting of the proposed extension, it would have an unacceptable impact on the residential amenities of the occupiers of the adjoining No 99 by way of creating an undue sense of enclosure, dominance and overshadowing. By virtue of the orientation of the proposed large, glazed sliding doors at first-floor, the proposal would have an unacceptable impact on the private residential amenities of the adjoining No 103.
7. The appellants contend that the presence of a new first-floor extension would not create additional enclosure to make the occupants of the property at No 99 feel hemmed in, because of the scale and openness of the garden at No 99. Moreover, there is a good level of outlook at the rear of the property. With regard to the impact on the property at No 103, the appellants contend that the only overlooking would be onto the roof of the appellants' own extension and the side elevation of the holiday-let building associated with the appeal property.
8. The proposed extension would project over 7 metres beyond the existing two-storey rear elevation of the appeal property, and along the joint boundary with No 99. It would appear that it would project over 9 metres beyond the main rear elevation of No 99 and around 6 metres beyond the rear elevation of the single-storey rear extension at No 99. This would result in a large expanse of unrelieved side wall along the boundary between the two properties at a two-storey height. Moreover, the appeal property lies to the south of No 99, and the scale of the proposed extension would affect the light received by No 99 at the rear of the house and also that part of its rear garden amenity space closest to the house.
9. The appellant notes the relatively large scale of the rear garden of No 99. However, the most private part of the rear amenity space at No 99, along with the window in its rear elevation would be overshadowed by the proposed extension and would be subject to an oppressive outlook. The outlook would be particularly adversely affected given the drop in ground levels from the front of the property to the rear. In the light of this, I find that the proposed extension would be harmful to the living conditions of the occupiers of No 99 by way of overshadowing and outlook.
10. With regard to the impact of the proposed extension on the residential amenities of the occupiers of No 103, from the information before me and from my visit to the site, it would not appear that the extension would have any direct adverse effect by way of overshadowing or loss of outlook. However, I have concerns that the sliding doors in the southern elevation of the proposed extension would give direct access to the roof of the modern kitchen/dining extension at No 101. This extension is built up to the boundary with No 103, and the access to its roof area would result in the potential for overlooking into the rear windows of No 103 and its very small private amenity area.

11. The rear of No 103 is already overlooked to a certain extent from the holiday-let properties to the south, and I consider that any opportunities for further overlooking from the roof area of the ground-floor kitchen/dining extension at the appeal property would be unacceptable.

Conclusion

12. I find that the proposed extension would be harmful to the living conditions of the occupiers of No 99 Queensgate by way of overshadowing and an oppressive outlook. I also find that it has the real potential to be harmful to the living conditions of the occupiers of No 103 Queensgate by way of loss of privacy. On this basis the proposal would conflict with Policy ENV1 of the LP and with guidance in the DG. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR