



Appeal Decision

Site visit made on 6 July 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/G2713/D/22/3299593

83 High Street, Great Broughton, Middlesbrough, North Yorkshire TS9 7EF

- 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 G Falloon against the decision of Hambleton District Council.
 - The application Ref 21/02804/FUL, dated 25 November 2021, was refused by notice dated 23 March 2022.
 - The development proposed is a first floor extension over garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Great Broughton Conservation Area (CA); and
 - The effect of the proposal on the living conditions of the occupiers of 85 High Street, with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal site is located within the southern portion of the CA, with its boundary running along the rear of the property. Irrespective of whether the CA is subject to an Article 4 Direction or there is an approved conservation area appraisal, it is a designated heritage asset as defined in Annex 2 of the National Planning Policy Framework (NPPF). Policy E5 of the Hambleton Local Plan adopted February 2022 (Local Plan) and paragraph 202 of the NPPF are therefore both relevant.
4. In the vicinity of the appeal site, the CA is characterised by a mix of house types and sizes. Most are two storey, albeit typically modest in size. Stone facings and red pantile roofs are prevalent, though render, brick and slate roofs can be seen. Dormer windows are not characteristic of the area, however notably a public house nearby features a pair of catslide dormers at second floor, set back from the eaves. There are also notable variations in the roof height of buildings which, along with the variation in materials, adds interest to the street scene. The significance of the CA however, in so far as it relates to this appeal, is derived from the traditional appearance of the buildings, their composition and typically modest frontages.

5. Along the west side of High Street, within the vicinity of the appeal site, dwellings sit close to the footpath. On the east side of the road however, they are typically set further back with generous, often landscaped front gardens. The terrace adjacent to the appeal property is largely screened from view by hedgerows and other planting along the roadside. The appeal property however sits at a partial break in the landscaped frontage, and so the host dwelling, aided by the contrasting render, stands prominently in the street scene.
6. While the appeal dwelling has been extended, its various offshoots are mainly at ground floor level and/or to the rear. The modest proportions of the main two storey part of the dwelling can therefore still be appreciated from the front. The dwelling does not feature some of the more traditional details found on older buildings in the area. However, the use of stone, white render and red pantiles, in combination with its relatively modest front elevation, is sympathetic to the characteristics of the area.
7. It is noted the proposed extension would feature matching finishing materials. Furthermore, the use of dormer windows is not alien to the area and would assist in reducing the mass of the extension. However, the proposal would significantly expand the frontage of the dwelling at first floor level. This would encroach on the setting of No 85 and sit prominently in the street scene. The proposed extension would not appear subservient to the existing dwelling, and when viewed from the front the dwelling's overall width and mass as extended would be out of keeping with those in the immediate area. The proposal would therefore detract from the prevailing character and appearance of the CA.
8. In relation to this main issue, I find that the proposal would harm the character and appearance of the area, including the CA, the preservation and enhancement of which I apportion great weight to. It would therefore not accord with the clear expectations of statute in this respect¹.
9. The proposal therefore also does not comply with policies E1 and E5 of the Local Plan. These policies seek to ensure that, amongst other things, those elements that make a positive contribution to a conservation area and its setting are preserved, and proposals for residential extensions respect the scale and massing of the original dwelling.
10. With respect to policy E5 of the Local Plan and paragraph 202 of the NPPF, less than substantial harm would be caused to the significance of the CA, which is a designated heritage asset. The proposal would appear from the evidence provided to be advantageous to the appellant, however there would be insufficient public benefits to outweigh the identified harm.

Living Conditions

11. No 85 High Street is a detached dwelling separated from the appeal property by a single width driveway providing access to its rear. The driveway is bounded by a high wall and fence along the shared boundary with the appeal property. The immediate rear garden area of No 85 is separated from the driveway down the side by low railings. A large garage building sits at the bottom of the immediate rear garden area, beyond which there is a larger expanse of private garden with significant tree and shrub planting.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. I observed on site that, while there is a large tree within the immediate rear garden area of No 85, this area has a generally more open character when compared to the rest of the garden, with limited screening from vegetation. This part of the neighbour's garden is immediately outside their rear door, features a patio and seating area, and appears well utilised and maintained.
13. The existing narrow driveway between the two properties provides a minimal sense of separation. The proposed first floor rear bathroom window and rear balcony would not be immediately on the boundary however would be close to it. While the roof of the appeal property's swimming pool provides a limited amount of screening, the rear roof slope of its garage can still be clearly seen from No 85's immediate rear garden area. Views from the proposed first-floor extension and rear balcony to this part of the neighbour's garden would therefore be largely unobscured and at close distance.
14. It is noted that no objections were received from neighbours. However, I find that the proposal would result in an unacceptable level of overlooking to the detriment of the privacy of the occupiers of No 85. This would have a harmful effect on the enjoyment of the immediate rear garden space, and ultimately on the living conditions of the occupiers of No 85. Views from the proposed first floor rear bathroom window could be mitigated using obscure glazing, which could be secured by planning condition, however this would not overcome the overlooking, and perception of overlooking, from the proposed balcony.
15. In relation to this main issue, the proposal would harm the living conditions of the occupiers of 85 High Street, and therefore would be contrary to policy E2 of the Local Plan. This policy, amongst other things, seeks to ensure proposals do not result in overlooking causing loss of privacy.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR