



Appeal Decision

Site visit made on 16 August 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2022

Appeal Ref: APP/V0728/D/22/3302492

13 Rowland Keld, Guisborough, TS14 8BQ

- 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 Christopher Johnson against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2022/0194/FF, dated 28 February 2022, was refused by notice dated 10 May 2022.
 - The development proposed is double storey to the side of house, single storey to the back.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The proposal involves a two-storey extension to the side of the house and a single storey extension to the rear. The Council's reason for refusal relates to the effects of the rear extension on the amenity of the adjoining occupier and that has been the focus of my attention.
3. The main issue is the effect of the single storey rear extension on the living conditions of the occupiers at the adjoining semi-detached house, 15 Rowland Keld, with regard to their outlook.

Reasons

4. The appeal property is a semi-detached house located in an established residential street of similar houses typically having short front gardens and long rear gardens. There is a single storey pitched roof projection to the rear which runs directly on beyond the main two-storey side wall of the house and contains a kitchen, w.c. and utility room. This projection is approximately half the width of the main house. It is set in from the common boundary with 15 Rowland Keld by the remaining width of the house. This ground floor arrangement is mirrored at No 15. Both houses have ground floor windows in the main rear wall serving their dining rooms. These windows are close to the common boundary which is formed by a solid larch lap fence at around 1.8m in height. Some shrubs at a similar height to the fence are present on both sides of the boundary and mature trees are located around the centre and towards the bottom of the garden of No 15.
5. The single storey flat roofed extension proposed to the rear of the house is shown on the plans as projecting 5 metres from the rear wall of the house in a

position very close to the common boundary with No 15. The Council's evidence indicates the extension would be built to a finished height of 2.85m.

6. The single storey extension would be substantially higher than the existing boundary fence and would project a considerable distance alongside the common boundary. The height and length of the extension in such proximity to the dining room window at No 15 would create a long and oppressive feature which would be harmful to the outlook from that window. This would therefore unacceptably affect the living conditions of the occupiers of No 15. The extension would conflict with Policy SD 4 b. of the Redcar & Cleveland Local Plan (May 2018) which seeks to limit the effects of development on the amenity of neighbours. It also conflicts with guidance on acceptable dimensions for rear extensions set out in the Redcar & Cleveland Local Development Framework Residential Extensions and Alterations SPD (May 2013).

Other Matters

7. I recognise the development would have benefit to the appellant through the additional space created, and this may allow them to remain close to friends and family. However, this private benefit is not sufficient to outweigh the harm I have identified. The appellant describes permitted development rights that allow for larger single storey rear extensions. Those rights are subject to consultation requirements which may place consequential obligations on the Council to assess development effects on the amenity of neighbouring occupiers, in the same way they have done in this case. In any event, nothing before me suggests that there is a real prospect the appellant would take advantage of those rights.
8. Other matters raised by the appellant regarding the overall design of the proposals being generally acceptable to the Council, and the lack of windows in certain elevations of the proposed extension which limit potential effects on privacy are not matters in dispute between the main parties. The appellant refers to existing mature trees in the garden of No 15 affecting the light afforded to that house. I noted the presence of those trees during my site visit. They do not affect the outlook from the dining room window to the same degree as the proposed extension would. These matters raised by the appellant, the support offered by a nearby resident and confirmation from Guisborough Town Council that they do not object to the proposed development would not negate or mitigate the specific harm that would be caused, and therefore do not weigh in favour of the proposal.

Conclusion

9. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR