
Appeal Decision

Site visit made on 26 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/E2001/D/22/3301619

132 Main Street, Burstwick, East Yorkshire HU12 2EA

- 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 Chris Hazel against the decision of the East Riding of Yorkshire Council.
 - The application Ref 22/00799/PLF, dated 3 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the erection of a rear extension with internal work also.
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Decision

1. The appeal is allowed, and planning permission is granted, for the erection of a rear extension with internal work also at 132 Main Street, Burstwick, East Yorkshire HU12 2EA in accordance with the terms of the application Ref 22/00799/PLF, dated 3 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref Q.015 and the Location Plan, which shows the site edged red.
 - 3) No development shall commence above ground level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 130 Main Street with particular regard to outlook and sense of enclosure.

Reasons

3. The appeal property is a largely 2-storey end terrace house within a mainly residential area. Due to the stepped layout of the terrace to which No 132 belongs, the 2-storey front and rear elevations of the appeal dwelling are set back from those the attached property, which is 130 Main Street. As a result, the 2-storey rear façade of No 132 projects noticeably beyond that of No 130.
4. According to the Council, the proposed rear extension would extend just over 4.7-metres from the rear elevation of No 130, given the staggered layout of

these attached dwellings. This arrangement would exceed the maximum distance of 3.5-metres behind the rear wall of a neighbouring property that is recommended in the Council's Design Guidance for House Extensions (DG). Even so, the introduction to the DG makes clear that the distances cited are given as typical examples and that each application should be assessed on its own merits, which I have done in this instance.

5. The proposed flank wall would be close to and parallel with the shared rear boundary with No 130. Because the upper section of the new addition would project above the timber fence that marks the boundary between No 130 and the site, it would partly enclose the back garden of No 130. The proposal would be evident from the rear garden of No 130 and through its rear windows.
6. When seen from these vantage points, most of the new extension would be effectively screened by the boundary fence, which is to be retained. From the ground floor rear windows of No 130, the upper part of the new extension would be seen albeit some distance away and at an acute angle. The main direction of outlook from these windows would continue to be towards the back garden and framed primarily by the timber fencing on either side. From the back garden of No 130, the proposal would appear as a subservient addition with the more substantial built form of the host dwelling beyond. To my mind, the rear garden closest to this neighbouring house would remain partly enclosed by the boundary fence and the 2-storey side wall of No 132.
7. In that context, the proposal would not unduly dominate the outlook from the rear of No 130 nor unduly heighten a sense of enclosure for its occupiers when in their house or using their back garden. Consequently, a conflict with the some of the advice within the DG is insufficient reason to withhold planning permission given the particular circumstances of this case.
8. On the main issue, I therefore conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 130. As such, the appeal scheme does not conflict with Policy ENV1 of the East Riding Local Plan Strategy Document insofar as it aims to safeguard residential amenity. In addition, it would not be at odds with the policies of the National Planning Policy Framework, which seek to ensure that development, amongst other things, creates places that have a high standard of amenity for all users.
9. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. While the Council has suggested a condition to require matching materials, the application form indicates that some different materials will be used including blockwork and render. The Council has no objection to these materials and from the submitted plans neither do I.
10. It is important to ensure that the finished building has a unified appearance and precise details of the materials such as the colour of the render and the type of roof tile have not been provided. To my mind, this can be achieved if details of the materials are submitted for approval before works above ground level start. It is necessary to impose a condition to this effect, in the interests of achieving a satisfactory appearance for the building.
11. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR