



Appeal Decision

Site visit made on 22 June 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2023

Appeal Ref: APP/V2004/D/23/3320953

2 Richmond Street, Hull, HU5 3JY

- 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 Mrs Tina Bettison against the decision of Kingston-upon-Hull City Council.
 - The application Ref 22/01653/FULL, dated 2 December 2022, was refused by notice dated 27 March 2023.
 - The development proposed is the construction of a rear conservatory extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a rear conservatory extension at 2 Richmond Street, Hull, HU5 3JY, in accordance with the terms of the application, Ref 22/01653/FULL, dated 2 December 2022, and the plans submitted with it, 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 approved plans: Proposed Plans - Amended (Version 4 – dated 6 March 2023); Location Plan; Site Plan.
 - 3) With the exception of the roof, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The finished ground-floor level of the development hereby approved shall be no lower than the existing finished ground floor.

Procedural Matter

2. The appeal property lies within the Avenues and Pearson Park Conservation Area (CA). The Council has indicated that it considers the proposal would preserve the character and appearance of the CA, in that it would be of limited scale, it would use appropriate materials, and it would have a design reflecting the context of the host property. I concur with that view.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of No 4 Richmond Street, by way of light and outlook.

Reasons

4. No 2 is a semi-detached house situated on the eastern side of Richmond Street, some 50 metres north of its junction with Marlborough Avenue. It has a single-storey rear extension, projecting some 10 metres from the main rear elevation of the house on the southern side of the property, and it has a very long rear garden. The proposed extension would be around 8 metres long and would effectively fill the 4 metre gap between the existing extension and the boundary with the adjoining No 4 to the north. It would be some 2 metres high to the eaves and would have a glazed pitched roof sloping away from the boundary to a ridge height of around 3.4 metres.
5. Policy 22 of the Hull Local Plan (LP) indicates that house extensions should be designed to minimise their impact on the amenity of neighbouring occupiers. The design should not over-dominate or unduly enclose the neighbouring properties or the property itself and should minimise the impact of overshadowing, loss of daylight and loss of privacy.
6. The Council's Supplementary Planning Document on the Design of House Extensions (SPD1) indicates that an extension should not cause an unacceptable loss of daylight or sunlight to habitable rooms of neighbouring properties. In addition, the size of an extension should not cause an over dominant or overbearing effect on the amenities of nearby occupants, and the amenity of nearby occupiers should not be adversely affected by a sense of being "hemmed-in" by an extension.
7. The Council contends that the proposed single storey rear extension would have an unacceptable impact upon the amenity of neighbouring occupants as a result of the length, mass and siting of the extension, providing an undue sense of enclosure and a loss of light.
8. The appellant contends the overall length of the amended proposal has been reduced from its original proposed length to a length of 8 metres and that the height has also been reduced, with the boundary flank wall height at 2 metres tall and the ridge height at 3.4m tall. The proposed glazed roof would reduce any sense of enclosure. In addition, a sunlight/shade study has been provided which shows that there is no significant loss of light throughout the year.
9. The proposed extension would lie to the south of No 4 Richmond Street, It would be built up to the boundary with No 4 but would have a height to eaves of only 2 metres, which is little more than the existing fence and equivalent to a boundary height that could be erected using permitted development rights. The glazed roof would be light in appearance and would slope away from the boundary to an overall height of only 3.4 metres at the ridge, which is a little less than that of the existing extension. The appellant has provided a sun study relating to the proposal and it would appear that the extension would have negligible additional impact on light received at the rear of No 4 and then effectively only in the winter months, when the sun is low in the morning.
10. Given that the extension would be only 2 metres to the eaves, and that it would have a shallow, glazed pitched roof, I do not consider that it would result in an oppressive, overbearing or overly-dominant outlook to the occupiers of No 4, particularly as both properties have a very long rear garden. The extension would not impinge on the main outlook and view at the rear of No 4, which is to the east along the length of the rear garden.

11. In the light of the above, I find that the proposed extension would not be harmful to the living conditions of the occupiers of No 4 Richmond Street by way of light and outlook, and that it would not conflict with Policy 22 of the LP or with guidance in the SPD1.

Other Matter

12. From the limited information available to me, it appears that the appeal property may be located in an area of flood risk. The Council accepts that the matter can be dealt with by use of a suitable planning condition and I have, accordingly, added a condition relating to the issue.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area. Finally, I have attached a condition relating to finished floor levels in order to protect the development against existing and future flood risk.

J D Westbrook

INSPECTOR