



Appeal Decision

Site visit made on 22 March 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/C2708/D/22/3306758

5 Thornton Street, Skipton BD23 1ST

- 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 J Khalil against the decision of Craven District Council.
 - The application Ref 2022/23983/HH, dated 1 April 2022, was refused by notice dated 7 July 2022.
 - The development proposed is single and two storey rear extension to provide bathroom over kitchen and other alterations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr J Khalil against Craven District Council. This application is the subject of a separate Decision.

Main Issues

3. The effect of the proposed development on the character and appearance of the area, having regard to the setting of the Skipton West Conservation Area.
4. The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

5. The appeal site is a mid-terrace two storey property, immediately abutting the pavement edge at the front with a small yard at the rear. A service road separates Thornton Street and Clitheroe Street at the rear which runs parallel to Thornton Street. The area is strongly characterised by terraces of historic cottages. The Skipton West Conservation Area lies a significant distance towards the east of the appeal site.
6. The property contributes to the terrace of historic cottages along Thornton Street recognised for their close association of industrial development and housing in the nineteenth century. There is an unspoiled roofline punctuated with chimneys running the full length of the terrace. The wider area is mentioned in the Skipton Conservation Area Appraisal with reference to the canal approach from the west and the late nineteenth and early twentieth century housing. However, the appeal site is not directly within the conservation area and is somewhat a significant distance from it.

7. Nevertheless, the heritage statement supporting the original application makes reference to the nearby Leeds-Liverpool Canal stating that it is within a conservation area. Evidence obtained from the Council and subsequently shared with the parties for comment, showing the extent of the Skipton West Conservation Area on a plan does not show Thornton Street and the site being within a conservation area.
8. Furthermore, the canal is screened by a three-storey development, and the appeal property is at the far end of the terrace and is therefore some considerable distance away from the canal itself. Therefore, I am satisfied that the proposal, due to the distances involved and the intervening development would not affect the historic setting of the canal itself or the setting of the Skipton West Conservation Area.
9. The proposal would introduce a first-floor extension to Thornton Street which is currently unaltered at first floor level. The proposed extension has a simple design and the massing of the extension is acceptable. However, in this context it would introduce an inconsistent first floor element which would interrupt the historic terrace row and would appear incongruous. This is further exacerbated due to the absence of any first-floor extensions to the rear of properties on Thornton Street. Due to the short rear yards and service road immediately behind the rear of the properties, the appeal site is significantly open to public views and therefore, for these reasons the proposal would have a detrimental effect on the character and appearance of the immediate street scene and wider area.
10. I have been directed to other examples in the area of first floor rear extensions on the historic terraces in the vicinity, particularly the extension to the rear of a property on Clitheroe Street immediately opposite Thornton Street. Whilst it is acknowledged that these are in situ and are local examples of a similar development, Thornton Street is currently uninterrupted at first floor level which makes a strong contribution to the historic character of the area. The erosion of the consistency above ground floor level would harm the contribution the street makes to the character of the area.
11. For these reasons I conclude that the proposal would have a detrimental effect on the character and appearance of the area. The proposal would therefore be contrary to policies ENV2 and ENV3 of the Craven Local Plan 2012 to 2032 – adopted 12 November 2019 (LP), these policies require the conservation of those elements which contribute most to the District’s distinctive character and sense of place, including terraced housing associated with the textile industry and developments should seek to enhance local distinctiveness.
12. The proposal would also be contrary to paragraph 130 (c) of the National Planning Policy Framework (the Framework) which states that developments should be sympathetic to local character and history including the surrounding built environment and landscape setting.

Living Conditions

13. The property is a mid-terrace dwelling with neighbours either side. The terrace is orientated north to south resulting in No. 3 being located immediately on the south side and No. 7 to the north. The proposed extension at ground floor level would replace an existing extension with the extension at first floor level

extending out a modest amount. The planning application was supported by a daylight and sunlight assessment.

14. The proposed extension would be located on the north side of No. 3 and would be on the boundary with the neighbour. Due to the juxtaposition of the dwellings, the shallow depth and low catslide roof with low overall height, it would not cause a loss of sunlight to neighbours at No. 3. However, due to the height of the existing party wall, the neighbours at No. 3 already experience a feeling of enclosure to their ground floor window. The extension upwards to the first-floor level on the shared boundary would exacerbate the feeling of enclosure to the rear of the property and would cause a further loss of outlook to both ground and first floor windows of No. 3. This would result in unacceptable living conditions to the detriment of neighbouring occupiers.
15. The extension would be located on the south side of No. 7. The existing windows of the appeal property would be retained at both ground floor and first floor level. Therefore, the proposed extension would be set away from the shared boundary by a reasonable distance. Due to the design of the extension, the extension would not harm the living conditions of the neighbouring occupiers of No. 7 through loss of daylight or sunlight to a significant degree, although there may be a modest element of overshadowing.
16. For the reasons given, I conclude that the proposal would unacceptably harm the living conditions of neighbouring occupiers at No. 3. Therefore, the proposal would not comply with policy ENV3 of the LP which states that development should protect the amenity of existing residents and should secure a good standard of amenity for all existing and future occupants of land and buildings.
17. The proposal would also be contrary to paragraph 130 (f) of the Framework which requires decisions to create places with a high standard of amenity for existing and future users.

Other Matters

18. Concerns have been raised in representations that without the proposal having a positive outcome, families would be encouraged to move away from the area. Whilst the proposal would see an increase in the accommodation size providing a more substantial housing unit, this matter does not outweigh the harm identified.
19. The method by which the application was determined has been raised by the appellant, which indicates that the appellant expressed to the Council that the application be dealt with by the Council's planning committee. The method by which the decision was made was for the Council to determine. Therefore, this matter does not affect the conclusion I have reached.

Conclusion

20. For the reasons set out above, I conclude that the proposed extensions to the rear of the property would not accord with the policies ENV2 and ENV3 of the LP. Although the proposal does not conflict with other policies, this leads me to conclude that the proposal conflicts with the development plan as a whole. Thus, having had regard to all other matters raised the appeal is dismissed.

N Duff

INSPECTOR