



Appeal Decision

Site visit made on 4 January 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.01.2024

Appeal Ref: APP/C2741/D/23/3330787

11 Claremont Terrace, York YO31 7EJ

- 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 Kate Moyster against the decision of City of York Council.
 - The application Ref 23/01417/FUL, dated 23 January 2023, was refused by notice dated 14 September 2023.
 - The development proposed is a single storey, side return extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 20 December 2023 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework was accompanied by a written ministerial statement (WMS). Having regard to the main issue in this appeal, it has not been necessary to invite submissions from the parties on the revisions that have been made to the Framework.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 10 Claremont Terrace with regard to outlook and light.

Reasons

4. The appeal property is a two storey terraced property with roof level accommodation. Like many of the surrounding properties it has a rear off-shoot. The off-shoot at the appeal property is part two-storey, part single storey.
5. The proposed extension would infill an existing gap between the off-shoot and the boundary with no. 10 Claremont Terrace. It would be single storey and would project 7 metres from the rear elevation of the main body of the dwelling. There is an existing boundary wall with timber screen between the appeal property and no. 10 Claremont Terrace which, as set out in the evidence, has an overall height of 1.875 metres.
6. The proposed extension would be 2.383 metres high to the eaves level. This would run for 7 metres along the boundary with no. 10 Claremont Terrace. It would rise to a height of around 3.3 metres where it meets with the existing off-shoot.

7. On my site visit I was able to observe the appeal site from the rear yard area of no. 10 Claremont Terrace. This adjoining property contains habitable room windows in the ground floor that look onto the appeal site and the location of the proposed development. These are, a bedroom window located in the main body of the dwelling, and a kitchen window in the rear off-shoot.
8. I was able to observe that the existing outlook and light levels are already greatly impacted by the presence of the existing off-shoots to both the appeal property and to no. 10 Claremont Terrace. In terms of light levels, the northern orientation of this side of the properties, contributes to the impact.
9. In terms of outlook, the proposed development would introduce a dominant structure that would notably and significantly worsen the existing situation. It would appear overbearing and create an increased sense of enclosure when viewed from the aforementioned habitable room windows. Therefore, due to the increase in height on the boundary, combined with the length of projection, the proposed development would cause significant harm to the outlook from no. 10 Claremont Terrace.
10. In terms of levels of light, due to the size, scale and siting of the existing off-shoots, combined with the northern orientation of this elevation, I do not consider that the development would have an unacceptable impact on levels of light.
11. The proposed development would therefore cause significant harm to the living conditions of occupants of no. 10 Claremont Terrace with regard to outlook. It would be contrary to paragraph 135 of the Framework which requires that developments ensure a high standard of amenity.
12. It would also be contrary to Policy D11 of the York Draft Local Plan (2018) which outlines that extensions to existing buildings will be required to, amongst other things, protect the amenity of current and neighbouring occupiers.
13. It would also be contrary to the City of York Council, House Extensions and Alterations Draft Supplementary Planning Document (SPD) (2012) which outlines, amongst other things, the importance of ensuring that neighbours' do not feel unduly hemmed in by proposals.

Other Matters

14. The appellant has referred to a number of planning consents for developments in Claremont Terrace. I do not have full details of the applications before me, and I therefore give them limited weight in the appeal. I cannot be certain that the same arrangement, as at the appeal property and the adjoining property, existed in the examples given, which in any event are for different developments at different locations. I have also determined this appeal on its own individual planning merits.
15. The appellant considers that the height of the development is within what is allowed under permitted development rights. Be that as it may, I have found that the height of the extension combined with its projection causes harm. There is therefore not a comparable fallback that would lead me to conclude in favour of the appeal.

16. The appellant considers that the development would provide benefits in terms of reducing noise and providing improved levels of privacy. These matters, however, do not outweigh the harm I have identified.
17. I acknowledge that the development would provide additional living accommodation for the occupants of the property. Such personal circumstances, however, seldom outweigh general planning considerations and I therefore give them limited weight in the appeal.

Conclusion

18. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR