



Appeal Decision

Site visit made on 9 January 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/U2750/D/23/3335689

Stonebeck Cottage, High Street, Markington, North Yorkshire HG3 3NR

- 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 Keifer Hudson against the decision of North Yorkshire Council.
 - The application Ref ZC23/03708/FUL, dated 8 October 2023, was refused by notice dated 7 December 2023.
 - The development proposed is infill extension to connect existing 1.5 storey extension to main dwelling, alterations to roof to create a two-storey rear extension, demolition of existing conservatory and installation of bi-folds to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for infill extension to connect existing 1.5 storey extension to main dwelling, alterations to roof to create a two-storey rear extension, demolition of existing conservatory and installation of bi-folds to rear elevation at Stonebeck Cottage, High Street, Markington, North Yorkshire HG3 3NR in accordance with the terms of application Ref ZC23/03708/FUL, dated 8 October 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing Nos. FP01 and PE01.
 - 3) 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.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

4. The appeal proposal was described on the application form as '*alteration to the roof at the rear of Stonebeck Cottage*'. However, I note that the Council, and the appellant on their appeal form, have described the proposal as an '*infill extension to connect existing 1.5 storey extension to main dwelling, alterations to roof to create a two-storey rear extension, demolition of existing conservatory and installation of bi-folds to rear elevation*'. Given the proposal before me, and for consistency, I have utilised the latter description.

Main Issue

5. The effect of the proposal upon the living conditions of occupants of Langstrothdale and Beverley Cottage, with particular regard to outlook and daylight/sunlight.

Reasons for the Recommendation

6. The appeal property is a mid-terraced two-storey dwelling located to the north of High Street, Markington. It also has a part one and a half storey/two storey rear extension, as well as a conservatory. The property is part of a row of five terraced properties built with varying materials and roof heights. The rear gardens of these properties are confined by some border fencing and scattered outbuildings which enclose the rear curtilage of the dwellings.
7. Whilst the Council have not referred to any development plan policies in their reason for refusal, it is clear from their Officers' report that Policies HP4 and HS8 of the Harrogate District Local Plan 2014 – 2035 (2020) (LP) are relevant in the determination of this appeal. I have therefore taken them into account. Additionally, Appendix D of Harrogate Borough Council's House Extensions and Garages Design Guide 2005 (the 'SPD') recommends some separation distances between neighbouring properties where an extension is proposed, with the aim of protecting neighbours from overbearing and overshadowing impacts.
8. However, the existing extension at the appeal property already exceeds these recommended separation distances. In my view, the proposal would not increase the overall mass (height, length and basic shape) of the extension to such a magnitude that the resultant dwelling would appear overbearing from the rear windows of either neighbouring property. This is particularly the case given the juxtaposition between the proposal itself and the neighbouring properties. As such, I consider that the infilling of the gap at first floor level between the main rear wall of the appeal property and the existing rear extension would not result in a harmful overbearing effect on the occupiers of either neighbouring property.
9. Furthermore, the rear windows of properties of the terrace are north facing. As such, it is unlikely that the existing extension results in a materially harmful level of overshadowing. Similarly, I find that the proposal would not result in an overshadowing effect which would be materially harmful to the living conditions of the occupants of Langstrothdale or Beverley Cottage.
10. In coming to that view, I acknowledge that the proposal also includes the raising of the eaves height of the roof of the existing building on its eastern side. However, given the existing extension at Beverley Cottage this would not have any significant impact either in terms of outlook or overshadowing.

11. Policy HS8 of the LP states that extensions to dwellings will be supported provided that there is no adverse impact on neighbouring residential amenity. However, the supporting text to that policy provides some guidance on that in that the position, height and orientation of an extension should avoid unreasonable obstruction of sunlight and daylight to neighbouring properties. This guidance is also consistent with Policy HP4 which sets out that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.
12. In that sense, whilst the proposal does not fully accord with the objectives of the SPD or the strict wording of Policy HS8, it would nevertheless result in a level of harm which would not warrant the withholding of planning permission. It would also fully accord with the provisions of Policy HP4.

Conditions

13. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the external materials to match the existing building to protect the character and appearance of the area. The Council have not suggested any other conditions beyond these, and I consider that none other are necessary.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR