



Appeal Decision

Site visit made on 19 July 2024

by Peter D Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2024

Appeal Ref: APP/E2001/D/24/3343746

19 Esplanade, Hornsea, East Riding of Yorkshire HU18 1NQ

- 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 Ms K Roberts against the decision of East Riding of Yorkshire Council
 - The application Ref 24/00478/PLF.
 - The development proposed is single storey rear extension, internal and external alterations and new roof covering.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Subsequent to the submission of the appeal the property now benefits from planning permission to build a slightly smaller single storey rear extension to a depth of 4 metres (Ref 24/01242/PLF). The appellant however has not withdrawn the appeal for the larger extension which is still before me for determination.

Main Issue

3. The main issue is whether the proposed development would have an adverse impact on the living conditions of present and future occupiers of No 21 as a result of proximity, enclosure, loss of light and overshadowing.

Reasons

4. The appeal property is one of a terrace of traditional Edwardian houses built over 3 storeys and finished in pebbledash and slate. No 19 is situated mid terrace. The frontage to the Esplanade is not affected by the proposals. To the rear of the house there is currently a double height, rectangular rear bay window which would be replaced at ground floor by the proposed extension and at first floor by a flush double window.

Living Conditions

5. The proposal would install virtually a full width, single storey extension to a depth of 5 metres from the rear elevation of the house with a height to eaves of 2.8 metres and 3.9 metres to ridge. A very small stand-off to the boundary of 400 mm is proposed.
 6. The adjoining house No 21 has a similar arrangement of a rectangular bay window at ground floor which is positioned a similar distance from the boundary as is the case for that on No 19. It would be immediately adjacent to the proposed extension and given the height and depth of the extension it would be enclosing
-

and overbearing. The 45° rule is often applied to understand relationships between neighbouring windows and proposed extensions. In this case the proposed extension would cut across a line drawn from the centre of No 21's ground floor bay window at 45° and indicates that the extension would be likely to have an overbearing and enclosing impact on the window. The *East Riding Design Guidance for House Extensions* (ERDG) advises that in these terraced arrangements a rear extension should have a depth of up to 3.5 metres and what is proposed is significantly more than that.

7. The extension would sit on the south-east side of the ground floor window to No 21 and the patio/sitting out area and, given its height and depth, the extension would significantly overshadow the window and patio. At the time of my visit (approaching noon) the sun was only just reaching onto the patio and lounge window. With the extension in place and, particularly in the winter, sunlight would not reach the window and patio until significantly later with a loss of sunlight hours and overshadowing as a result. I have been invited to conclude that as the overshadowing would only affect a small part of the garden that the impact would be acceptable. However, as the part affected would be the main sitting out area, the impact would be significant for the occupier.
8. It has been put to me by the appellant that the Council officers indicated they would accept a 4 metre depth and the amendment to pull the extension slightly off the boundary by 400 mm would allow a depth of 5 metres to be similarly acceptable. Notwithstanding the fact that an extension of 4 metres in depth has now been permitted, on site my assessment is that the added depth of one metre would further adversely affect the living conditions of the neighbouring occupant to an unacceptable degree as set out above.
9. The *National Planning Policy Framework* (the Framework) at paragraph 135 requires development to achieve a high standard of amenity for existing and future users and for the reasons above the appeal proposal would fail to do so. Similarly, the *East Riding Local Plan Development Strategy* at Policy ENV1 requires a high quality of design that has regard to the amenity of existing or proposed properties and again the proposal, because of its overall scale and particularly its height and depth, would fail in this regard.

Other Matters

10. In coming to a view on this proposal, I accept that the appellant, in proposing the rear extension is seeking to upgrade this neglected property into a family home and make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However, the Framework attaches great importance to seeking a high quality of design and as stated above development should not be at the expense of an existing user of the land, in this case the occupant at No 21. In any event the appellant now has the benefit of permission for an alternative smaller extension which will help meet the objective of making sustainable and effective use of the dwelling.

Conclusion

11. I have considered the matters before me and for the reasons above I conclude that the appeal is dismissed.

P. D. Biggers

INSPECTOR