



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: 16th August 2024

Appeal Ref: APP/E2001/D/24/3343750

16 Croft Drive, Anlaby, East Riding of Yorkshire HU10 7DZ.

- 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 Teasdale (Hotham Holdings Ltd) against the decision of East Riding of Yorkshire Council.
 - The application Ref 24/00450/PLF.
 - The development proposed is erection of porch to front, alteration to roof and construction of dormer window to front and erection of single storey extension to rear.
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Decision

1. The appeal is dismissed insofar as it relates to the rear extension. The appeal is allowed insofar as it relates to the alterations to the front and permission is granted for erection of porch to front, alteration to roof and construction of dormer window to front at 16 Croft Drive, Anlaby, East Riding of Yorkshire HU10 7DZ in accordance with the terms of the application, Ref 24/00450/PLF, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted and 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 following approved plans so far as relevant to those parts of the development hereby permitted: Block and Roof Plan; Existing Plans and Elevations-CD/01/24; Proposed Plans and Elevations-CD/02/24; Typical Section-CD/03/24.
 - 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 description of the proposal set out in the application form is incorrect as it does not refer to the front dormer in the application. I have therefore used the description as it appears on the decision notice, which accurately describes the proposal.

Main Issue

3. The main issue is whether the proposed development would have an adverse effect on the living conditions of present and future occupants of No 14 Croft Drive in respect of proximity, enclosure, loss of outlook and loss of light.

Reasons

4. Croft Drive, where the appeal site is located, contains a mix of house types but on the west side of the road the design is of large, two storey, semi-detached houses with distinct gabled roofs on the frontage. The houses stand in large plots set back from the road.
5. The proposal to the rear would be an almost full width single storey extension to a depth of 4 metres and with a height to roof deck of 2.86 metres and to top of rooflight lanterns of 3.43 metres.
6. No 14 (the semi-detached neighbouring house) has a partial width rear extension of its own but immediately adjacent to the proposed extension to No 16 there is a courtyard patio/sitting-out area and a pair of patio doors to a habitable room in the rear elevation of the main house.
7. 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 14's ground floor patio doors at 45° and indicates that the depth of the extension would be likely to have an overbearing and enclosing impact on the window and the outlook from it. The *East Riding Design Guidance for House Extensions* (ERDG) advises that a rear extension should not have a depth of more than 3.5 metres where it is on the boundary with a neighbour and what is proposed would be more than that.
8. The extension would sit on the south side of the ground floor patio doors to No 14 and the patio/sitting out area and, given its height and depth, the extension would significantly overshadow the window and patio. With the extension in place and, particularly in the winter, when the sun is lower in the sky, sunlight would not reach the window and patio until later in the day, with a loss of sunlight hours and overshadowing as a result. As the extension would affect the main sitting out area, the impact would be significant for the occupier.
9. It has been put to me that the ERDG advice is not being applied consistently by the Council with another case being approved elsewhere with a 4 metre projection proposed and minimal side separation. However, there has been no attempt by the appellant to meet the guidance by either reducing the depth or moving the extension off the property boundary, despite the indication from the Council that a 500mm stand off from the side boundary could be considered. I have been invited to conclude that as the extension would already be 137mm off the boundary, a further 363mm clearance to the boundary would be neither here nor there in respect of outlook or light. From my observations on site however, from the patio to No 14, without a repositioning of the extension away from the side boundary or a reduction in overall depth, the proposal would not be acceptable. In any event, such a revised proposal is not before me.
10. I have also been invited to conclude that as there is already a 1.8 metre high wall and close-boarded fence between the properties there is already an enclosing effect on the patio and windows leading to it and the proposal would be little different in its effect. However, the extension would be another full metre higher than the wall and the additional height would have a significant additional adverse impact on the patio and windows.
11. By contrast the impact on No 18 would be acceptable given the side separation between the two pairs of semi-detached properties and the fact that No 18 has its own single storey, rear extension extending out almost as far as that proposed for

No 16. Moreover, the extension would be on the north side of No 18 so there would be no loss of sunlight.

12. Turning to the proposed alterations to the frontage, the roof extension in the form of a small, pitched-roof dormer over the garage would appear proportionate to the frontage roof slope and sit to the side of the principal gable feature. Given the positioning of the houses and the facing distances across Croft Drive there would be no overlooking issues or loss of privacy. The porch alteration to the front would also be acceptable given its modest depth and positioning. I have no concerns in respect of these parts of the proposal. As these elements would be physically and functionally separate to the rear extension proposals it is open to me to split the decision and allow these elements whilst dismissing the rear extension.
13. 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 in respect of the relationship with No 14 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 properties and again the proposal, because of its overall scale and particularly its height, width and depth, would fail in this regard in relation to its impact on the living conditions of the occupants at No 14.

Other Matters

14. In coming to a view on this proposal, I accept that the appellant, in proposing the rear extension is seeking to upgrade the property and make sustainable and effective use of it as a family home, an objective which is encouraged by the Framework. However, as above the Framework attaches great importance to ensuring the design does not have a detrimental effect on the amenity of existing users of land. The proposal in respect of the rear extension and its impact on the living conditions for neighbours would fail in this regard.
15. It has been put to me that no objections were received to the proposals but in fact this is incorrect and the neighbouring occupant at No 14 has objected as part of the appeal process. Moreover, the absence of objection at application stage would not necessarily mean that the proposal would be acceptable.

Conclusion

16. Accordingly, as set out above the appeal should be allowed in part and dismissed in part. I have considered the matters before me and for the reasons given above, I conclude that the appeal should be dismissed in relation to the rear extension. However, in relation to the front porch and front dormer the appeal should be allowed and planning permission be granted.
17. The Council has proposed a number of conditions typically added to a householder proposal such as this. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. A condition requiring external materials used in those parts of the proposal being approved to match the existing building is necessary to protect the character and appearance of the property and its surroundings. The Council proposed an additional condition to ensure the property would not be at risk of surface water flooding. However, as I am dismissing that part of the proposal relating to the rear extension this condition is not necessary.

P. D. Biggers INSPECTOR