
Appeal Decision

Site visit made on 31 October 2024

by S. Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/P2745/D/24/3343940

Back Midland Street, Skipton BD23 1SE

- 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 M Shabir against the refusal by North Yorkshire Council.
 - The application is reference ZA23/25563/HH.
 - The development proposed is an extension to provide an enlarged first floor bedroom over an extended ground floor kitchen.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 7 November 2024.

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy Framework (the Framework) which closed on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issues in this appeal, it has not been necessary for me to consult the main parties upon it.
3. During the course of the consideration of the application proposal, amended plans were submitted to the local planning authority (LPA). However, the applicant requested that the LPA should determine the application based upon the originally submitted plans which it subsequently did. Consequently, the appeal is also based upon those originally submitted plans.

Main Issues

4. The main issues are the effect upon (i) the character and appearance of the area including the setting of the adjoining Skipton Conservation Area (CA), and

(ii), the living conditions of the occupiers of the first floor apartment in the adjoining Aireview House in terms of outlook and light

Reasons

Character and appearance

5. The appeal building occupies a narrow piece of land accessed along Back Midland Street and was formerly a site for lock-up garages. It adjoins the CA on its northern boundary, defined by the Leeds-Liverpool canal. The latter is set at a higher level, though the appeal site is visible from it and thus from the CA.
6. The appeal building is a single storey, stone clad dwelling with a blue slate, pitched roof and with a small kitchen extension along part of its narrow north facing elevation. To one side is the rear elevation of the two storey terrace of Midland Street, while on the other side is the larger bulk and height of the apartment block known as Aireview House. The latter building has been extended at some point in time, with the extension almost abutting the appeal building at right angles to it.
7. The area is characterised by its compactness, hard surfaces, a general absence of landscaping, and the use of natural building materials.
8. The proposed development is to enlarge the area of the existing kitchen extension across the whole north facing elevation, to extend it outwards and to increase the height to permit a larger first floor bedroom. The effect would be that the overall height of the proposed extension would exceed that of the host property by approximately 1 metre. Overall, the additional width and height would appear as an incongruous, disproportionate, bulky addition to the host property, especially when seen in full view from the adjoining canal towpath.
9. The use of external materials to match those of the host property would enable, to some extent, the proposed extension to assimilate with the existing dwelling and its surroundings, but this would not outweigh its adverse bulky appearance.
10. Therefore, I conclude that the proposed development would not accord with policies ENV2 and ENV3 of the Craven Local Plan (2019) (LP) and with paragraph 135 of the Framework which stress the need for good design which respects the form of existing and surrounding buildings and the conservation of the historic environment.

Living conditions of adjoining occupants of Aireview House

11. To the East of the appeal property is a first floor window in an apartment in Aireview House. Currently, the ridge height of the existing extension to the host property is approximately 1.1 metres below the eaves height of the extension to Aireview House. The proposed development, with its extra height, would align the eaves levels of the two buildings, and by so doing, would create a blank wall, approximately 1 metre away from the window in Aireview House.

12. Views from the window are currently of relatively open land down the rear elevation of the appeal property and across the roof of the latter's single storey extension. The bulk of the original part of Aireview House restricts views on the other side of the window.
13. The proposed extension would further limit the views from the window to either side of it and would have an adverse enclosing effect. As such, I consider that it would have a significant, adverse, overbearing, oppressive and visually intrusive impact upon the outlook of the occupiers of the apartment.
14. The appellant has submitted with the application an assessment with regard to the possible loss of light to the occupants of Aireview House and which concludes that there would be no such significant harm. The LPA has submitted no similar analysis of its own. Having considered the siting and orientation of the proposed extension, I have no reason to disagree with the conclusion of the assessment report.
15. Nevertheless, my conclusion with regard to the overbearing effect which I have found upon the living conditions of the occupants of Aireview House is my primary concern.
16. Therefore, I conclude that for this reason, the proposed development would not accord with Policy ENV3 of the LP or with paragraph 135(f) of the Framework which aim to protect and secure a high standard of amenities for existing and future residents.

Conclusion

17. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan and therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR