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## Appeal Decision

Site visit made on 26 November 2024

**by R Bartlett PGDip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 December 2024**

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**Appeal Ref: APP/U2750/W/24/3346412**

**Hall Farm House, Main Street, Oswaldkirk, Helmsley, YO62 5XT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr A Morgan against the decision of North Yorkshire Council.
  - The application Ref is ZE23/05388/HOUSE.
  - The development proposed is erection of a single-storey extension to rear elevation and first-floor extension to existing rear outbuilding.
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### Decision

1. The appeal is dismissed insofar as it related to the first-floor extension to existing rear outbuilding. The appeal is allowed insofar as it related to the single-storey extension to rear elevation, and planning permission is granted for erection of single-storey extension to rear elevation at Hall Farm House, Main Street, Oswaldkirk, Helmsley, YO62 5XT, in accordance with the terms of the application, Ref ZE23/05388/HOUSE, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos. MOR-502-02-02 and MOR-502-02-05 Rev.B, insofar as this relates to the single-storey rear extensions and alterations.

### Procedural Matters

2. The original description of development on the application form was *"Alterations to existing dwelling including new entrance door and porch, ground floor rear kitchen extension and first floor bedroom, dressing room and ensuite extension"*. During the course of the application, following discussions with Council Officers, the application plans were amended, and a new description was agreed to reflect this. I have therefore used the amended description that was agreed by the main parties in the banner heading above and in my decision.
3. The Council issued a split decision, granting planning permission for the single-storey rear extension and refusing planning permission for the first-floor rear extension. Whilst the whole proposal is before me, I have no reason to reach a different view to that of the Local Planning Authority in relation to the single-storey rear extension, and I note that concerns have not been raised by any other interested parties to this element of the proposed development. The main issues are therefore focussed primarily upon the first-floor rear extension.

4. Following the submission of the appeal, the adjoining semi-detached dwelling, known as Abbey House, was put up for sale on the market and a weblink to the sales particulars for this property were submitted showing plans and photographs of it. As this is public information, which was not available at the time the appeal was submitted and which raises no new issues, it was accepted for informative purposes.

## **Main Issues**

5. The main issues are the effect of the first -floor rear extension on i) the character and appearance of the host dwelling and the Conservation Area; and ii) the living conditions of occupiers of the adjoining dwelling with regard to loss of light and outlook.

## **Reasons**

### *Character and appearance*

6. The site lies within the Oswaldkirk Conservation Area (CA) wherein there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. I have not been provided with a conservation area appraisal or any further information describing the special interest or heritage significance of the CA, nor have I been advised what contribution the appeal site makes to this or how it would be harmed by the proposed development.
7. From my own observations, it is apparent that the CA comprises a mixture of traditional buildings which are predominantly residential in character and constructed in stone with clay pantile or slate roofs. Buildings are typically sited in a linear form, within generous plots, and are in an elevated position within an undulating countryside landscape setting, which forms part of the Howardian Hills Area of Outstanding National Beauty (AONB).
8. The appeal property comprises a traditional two-storey semi-detached farmhouse of varying heights, with a range of attached single storey outbuildings to rear, which run adjacent to the eastern boundary. The outbuildings are attached to a lower section of the house, which shares the same ridge height as the attached neighbouring dwelling, Abbey House. The single storey outbuildings gradually step down in height with the land and part of the end outbuilding belongs to and is accessed from the rear garden of Abbey House.
9. It is proposed to construct a single storey extension across the existing raised patio area of the appeal property, which would infill a gap between existing rear projections at either end of the dwelling. This part of the development was granted planning permission by the Local Planning Authority and was subject to no objections from any interested parties.
10. It is also proposed to construct a first-floor extension above the first one and a half outbuildings situated closest to the rear of the appeal dwelling. The eaves height of the extension would match that of the host property and would be slightly lower on the eastern side adjacent to Abbey House. The ridge height would be substantially lower than that of the host dwelling, and due to this and the limited width of the outbuildings, the proposal would appear subordinate in scale to it. However, the eaves and ridge heights of the first-

floor extension would be significantly higher than those of the remaining single storey outbuildings. This would detract from their current scale and form and their gentle step down in height between each section of the outbuildings, which reflects their secondary ancillary nature. I did not see any other two-storey rear outriggers in the area that exceed the eaves height of the main frontage building. Other rear projections appear to be below catslide roofs or to have ridgelines below the eaves of the principal building.

11. I therefore conclude that although the first-floor extension would be of traditional construction and materials and would appear subservient to the overall scale of the host dwelling, it would not reflect its traditional form as a principal dwelling with low key secondary outbuildings. Consequently, it would fail to accord with Policy SP16 of The Ryedale Local Plan Strategy 2013 (the LP), which seeks to ensure extensions and alterations are of an architectural style that complements the traditional character of the main building.
12. However, based upon the evidence before me, the proposals would not harm any defining characteristics of the CA that have been drawn to my attention. As such, the proposals would have a neutral effect upon the CA as a whole and would preserve its heritage significance in accordance with Policy SP12 of the LP, which seeks to ensure that designated heritage assets are conserved. As there would be no loss of or harm to any heritage assets it is not necessary for any public benefits to be demonstrated. I note that no objections were raised by the Council's Conservation Officer in respect of the proposed rear extensions and alterations or their effect on the CA.

#### *Living conditions*

13. The proposed first-floor extension would project approximately 8.77 metres from the rear elevation of the host dwelling. As the rear elevation of the adjoining semi-detached dwelling, Abbey House, is slightly stepped back from that of the appeal property, the proposed extension is likely to extend more than 9 metres beyond its rear wall, immediately adjacent to its shared boundary.
14. Whilst every site is different and must be determined on its own circumstances, extensions that would encroach beyond a 45 degree angle, measured from the centre of the nearest habitable room window, are generally considered to be a cause for concern in terms of daylight and outlook. For most semi-detached properties, extensions at first floor level or above projecting by more than 3 or 4 metres from the rear elevation would need to be off set from the boundary to meet this standard.
15. I note that in this case the nearest part of the extension to Abbey House would be stepped in from the boundary by 750mm and would not extend beyond the rear elevation of its conservatory. The ensuite bathroom part of the extension, which would be above part of the second outbuilding, is set in further from the conservatory and would project beyond the rear of it by approximately 2.7m. The height of this would be stepped down only by the depth of a ridge tile to retain consistent floor levels and appropriate ceiling heights.
16. Abbey House benefits from south facing windows in its rear elevation and the proposed extension would be to the west of these. I have had regard to the submitted sun path and shadow diagrams, which appear to confirm the concerns of the occupier of Abbey House in relation to loss of sunlight and

overshadowing. Whilst I acknowledge that during winter months when the sun is lower, there is already some overshadowing to parts of the neighbouring property, including its rear bedroom window, conservatory and the small, paved seating area and lawn outside of the conservatory. However, the shadow diagrams show that the proposed extension would put the whole of the conservatory at Abbey House, and the seating and garden area immediately in front of the conservatory, in the shade by late afternoon or early evening on 21 June. This would also reduce light into the kitchen through the conservatory.

17. The large expanse of wall, due to its height, projection from the rear elevation of the host dwelling and proximity to the boundary, would also appear overbearing and oppressive, particularly when viewed from the closest rear bedroom window of Abbey House, the bottom of which is currently more or less level with the ridge height of the outbuilding and enjoys an open outlook. The increased scale of the building would also appear more oppressive from the neighbour's kitchen window, clear glass roof conservatory and immediate rear garden area. Although there is already a long high wall along the boundary, the pitched roof of the existing single-storey outbuildings starts to slope away from the neighbouring property immediately above the eaves level of the conservatory and its ridge height is below the first-floor windows.
18. Notwithstanding the amendments and efforts made by the appellant to minimise any effects of the development on occupiers of the adjoining dwelling, I find that the proposed first floor extension would adversely affect the living conditions of occupiers of Abbey House in terms of light and outlook. This would be contrary to Policy SP20 of the LP, which seeks to ensure that new development would not adversely affect occupiers of neighbouring buildings due to loss of natural daylight or having an overbearing presence.
19. I note the additional concern of the neighbour in relation to a ground floor window. This is existing and as such would not result in any increased level of overlooking or loss of privacy.

### **Conditions**

20. I have imposed the standard time limit condition for commencement and a condition listing the approved drawing numbers that the development must accord with for the avoidance of doubt. As the approved drawings confirm external materials of the development will match those of the host dwelling, a separate matching materials condition is not necessary and would be more onerous than the planning permission already granted by the Council.

### **Conclusion**

21. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should succeed in part, and I will grant planning permission for the single-storey rear extension, including the loggia. The appeal is dismissed in relation to the first-floor extension above the rear outbuildings.

*R Bartlett*

INSPECTOR