
Appeal Decision

Site visit made on 27 December 2024

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

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/E2001/D/24/3354372

18B Thearne Lane, Woodmansey, East Riding of Yorkshire, HU17 0SA

- 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 Mrs Heather Rice against the decision of East Riding of Yorkshire Council.
 - The application is reference 24/01757/PLF.
 - The development proposed is a single storey glass room extension on the rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework, published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.
3. The local planning authority (LPA) has referred to the draft East Riding of Yorkshire Local Plan Update 2020-2039 (LP). However, as this has not been adopted, I can afford it only limited weight in the decision-making process.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupiers of neighbouring properties in respect of outlook and privacy.

Reasons

5. The proposed development is located at 18B Thearne Lane, Woodmansey, a detached dwelling located on a residential road which encompasses a range of architectural styles. The dwelling has previously benefitted from a single storey rear extension (12/03714/PLF) and has permission for an integral garage conversion to habitable space (24/01454/PLF). It is proposed to erect a single storey glass extension, with a sloping roof, projecting about 3.5 metres from the existing single storey rear extension. It would be set in from the sides of the existing single storey extension.

6. I acknowledge that the extension would be finished in glass, and, in this regard, it would constitute a lightweight structure. Moreover, I also accept that the extension would not be built up to the boundaries with the neighbouring properties. However, when it is considered alongside the existing rear extension to the host property, I find that, owing to the combined height and position of the resultant development, it would have an unacceptably enclosing impact when viewed from the ground floor windows and outside amenity areas of the neighbouring properties.
7. In reaching the above conclusion, I am mindful that the roof of the glazed extension angles downwards. However, it is the combination of the existing and proposed development which would be experienced by the occupants of the neighbouring properties as being unacceptably enclosing and dominating.
8. Furthermore, it may be possible for users of the proposed glazed extension to see over the boundary fences and into the rear amenity spaces or rear windows of the neighbouring properties. While the appellant considers that any such overlooking would be no greater than currently exists from the rear garden, the proposed extension is likely to be more intensely used in this regard.
9. This could be addressed by way of the imposition of a planning condition which required at least parts of the side elevations to be finished in opaque glass and/or to secure and retain new fencing. I have not, however, pursued this matter any further as it would not overcome my primary concern which is that the proposal would cause unacceptable harm to the outlook of the occupiers of neighbouring properties.
10. Therefore, I conclude that, while privacy concerns may be capable of being dealt with by planning condition, the development would nonetheless cause material harm to the outlook enjoyed by the occupiers of neighbouring residential properties. In this regard, the proposal would not accord with the amenity requirements of policy ENV1 of the LP, sections C1 and C2 of the National Design Guide, and paragraph 135(f) of the Framework. This is a matter of overriding concern and is not outweighed by any other material planning considerations.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR