



Appeal Decision

Site visit made on 3 December 2024

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/E2001/D/24/3348106

8 Styles Croft, Swanland, HU14 3NU

- 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 Marshall against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00100/PLF.
 - The development proposed is single storey and 2 storey extensions to the rear and replacement canopy to the front.
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Decision

1. The appeal is allowed and planning permission is granted for single storey and 2 storey extensions to the rear and replacement canopy to the front at 8 Styles Croft, Swanland, HU14 3NU in accordance with the terms of the application, Ref 24/00100/PLF, 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 862/P05, 862/P04, 862/P03, 862/P02, 862/P01, 862/LP01, 862/E03, 862/E02, 862/E01
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos 862/P04 and 862/P03.
 - 4) The floor level of the development hereby permitted shall be set no lower than the existing finished floor level of the dwelling.
 - 5) The first floor window to be created in the south facing elevation on drawing 862/P04 of the elevation of the dwelling shall be glazed in obscure glass and shall be non-opening below a height of 1.7m measured from the internal finished floor level before the development hereby permitted is first brought into use, and shall not thereafter be altered without the prior express consent in writing of the Local Planning Authority, (replacement of the glass with glass of an identical type would not necessitate the Council being notified).

Preliminary Matters

2. Whilst a revised version of the National Planning Policy Framework was published on 12 December 2024 (the Framework), the sections relevant to this appeal remain unchanged. Therefore, the principles that apply to this decision remain the same.

Main Issues

3. The main issues are the effect of the proposal on:
- the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupiers in particular reference to privacy and outlook.

Reasons

Character and appearance

4. The appeal site is a detached, brick-built dwelling located on a residential cul-de-sac. The dwelling has a hipped roof with short gable forward projection, which includes a flat roof door canopy with columns to each side. To the rear of the property there is a small, single storey extension and to the side, an attached garage. The dwelling sits on a large plot with its rear garden bounded by mature landscaping comprising a mix of trees, hedges and other planting. The property backs onto the gardens of the detached dwellings located off Hall Park.
5. The dwellings on Styles Croft sit on spacious plots with open gardens and driveways to the front and large gardens to the rear. There are several styles, which are repeated and provides a cohesive appearance to the cul-de-sac. The adjoining property at No 7, has a two-storey extension to its rear with an enclosed balcony with glass balustrade.
6. The depth of the extension, although significant, would be sufficiently less than that of the host property and would retain its subservient appearance. As the property sits within a large garden it would not appear to over dominate the plot. At first floor level, there would be a set-back central section, flanked by two projecting gables at each side. Although the extension would run the whole width of the original property, the stepping back arrangement and roof design would reduce its overall bulk and massing. It would be constructed from contrasting materials to that of the host property and read as a modern addition. However, the replacement of all the windows to a similar colour to the proposed cladding would draw both elements of the dwelling together providing it with a more unified appearance.
7. Although the proposal would extend approximately 5.6m from the existing rear elevation it would broadly align with the rear elevation of No 9 Styles Croft and the extension of No 7 Styles Croft. Although it would be visible from adjoining properties located on Hall Park it would not be unduly prominent in the surrounding area. Therefore, despite being constructed from different materials the proposed extension would not harm the character and appearance of the surrounding area.
8. The proposed single-storey front extension would essentially replace the existing canopy and column arrangement and be open fronted with glazing to both sides. As canopies are a common feature within the street scape, the simple appearance of the proposal would not appear out of place.
9. The proposal includes the insertion of a larger window on the front elevation at first floor level. The front elevation has different sized windows and therefore the new window would not be at odds with the overall proportions of the front of the house. Another new window would be inserted at first floor level on the south elevation, which would face onto the side elevation of No 7 Styles Court. The plans show that

this would be obscure glazing and non-openable below 1.7m. All of the existing windows would be replaced to be grey/black powder coated aluminium. I do not consider that these additional changes would harm the character and appearance of the surrounding area.

10. The proposal also includes a proposed open sided pergola, with flat roof which would be located to the rear of the existing garage. As the pergola would be enclosed on two sides by the garage and proposed extension it would not be visible from wider views and would not cause harm to the character or appearance of the surrounding area.
11. In conclusion, the proposal would not harm the character and appearance of the surrounding area. Therefore, it does not conflict with policy ENV1 of the LP, which seeks amongst other things to ensure that development proposals contribute to safeguarding and respecting the diverse character and appearance of the area through their design.

Living conditions

12. The Council's Design Guidance, 'Design Guide for Home Extensions' (DG) although informal guidance only, states that the Council will normally seek a minimum rear to rear window separation of 20m to avoid privacy problems. For two storey extensions there should be no ground floor windows closer than 7m to adjoining rear boundaries.
13. The rear garden shares a boundary with the rear gardens of Nos 22 and 24 Hall Park. I observed that these properties can be glimpsed through the landscaping along the boundary from the appeal site. The proposed extension would reduce the depth of the rear garden of the appeal site to approximately 17.5 m. The rear gardens of Nos 22 and 24 Hall Park are approximately 21m in depth. Therefore, the separation distance between properties would be well in excess of the 20m set out in the DG. Although the proposal would include juliette balconies, overlooking would be restricted by the balustrade and overhanging canopy. Therefore, views outward from these balconies would not be dissimilar to that from a large window. Therefore, due to separation distance and landscape screening, in my view the proposal would not cause harm to privacy or overlooking to the extent that would justify withholding permission in terms of planning policy.
14. To the side, the appeal site shares boundaries with Nos 7 and 9 Styles Croft. No 7 is located approximately 1m away from the boundary of the appeal site but would be separated from the proposal by the width of the existing garage. The appeal site's garage would be located between the proposed extension and the boundary of No 9. Therefore, due to the separation distances, the proposal would not cause any harm to the outlook of these properties. As the extension would be broadly in line with the existing building lines of both nos 7 and 9 the extension would not lead to overlooking or loss of privacy.
15. Concerns have been raised by third parties in relation to potential light pollution due to the level of glazing proposed. Although the extension would move the rear elevation of the property closer to neighbouring properties on Hall Park, it would be in line with the rear building lines of other properties along Styles Croft. Any potential light spill from the ground floor windows would be mitigated by the landscaping and fencing along the boundary between properties. Although lighting at first floor level may be glimpsed through the landscaping, the separation

distances are sufficient to prevent any harm to the living conditions of neighbouring occupiers to the extent that would justify withholding permission.

16. Therefore, the proposal would not harm the living conditions of neighbouring occupiers in particular reference to privacy and outlook. The proposal does not conflict with policy ENV1 of the LP which seeks amongst other things to ensure that development proposals have regard to the amenity of existing properties.

Other Matters

17. I note that the appeal site is in an area where trees are protected however the proposal would not result in the loss to any trees. The Council's Tree Officer has not raised any objections and I agree with this position.

Conditions

18. I have considered the Council's suggested conditions and where appropriate amended to wording to more closely align with the Planning Practice Guidance. In order to meet legislative requirements, a condition shall be imposed to address the period for commencement (1). I have imposed a condition relating to approved plans for the avoidance of doubt (2) and approved materials (3) to protect the character and appearance of the area.
19. In the interests of flood management and prevention a condition is necessary in relation to finished floor levels (4).
20. A condition is necessary to restrict the glazing and opening of the new window on the south elevation to protect the living conditions of neighbouring occupiers in relation to overlooking (5).

Conclusion

21. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR