
Appeal Decision

Site visit made on 11 March 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/E2001/D/25/3359409

55 Mill Lane, Beverley HU17 9JD

- 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 D Butler against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/03332/PLF.
 - The development proposed is single storey extension to rear / side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has advised that The Local Plan Update, comprising a Strategy Document Update and Allocations Document Update, is expected to be adopted at the meeting of the Full Council on 2 April 2025. In accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the Council is now giving significant weight to the policies of The Local Plan Update.
3. Nevertheless, the Council advise that The Local Plan Update makes no material changes to the requirements of Policy ENV1 insofar as it affects this proposal. The East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016 (the Local Plan) remains part of the development plan until such point that it is replaced, and the appeal has thus been determined on this basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 53 Mill Lane, with particular regard to outlook, light and privacy.

Reasons

5. The appeal site comprises a 2-storey mid-terrace traditional dwelling and its associated curtilage. It features a 2-storey rear offshoot, adjoining a similar offshoot at 57 Mill Lane. This offshoot extends a considerable distance beyond the rear elevation of the adjoining neighbouring property at 53 Mill Lane, parallel to the shared boundary. Nevertheless, it remains set back from the boundary line, partially mitigating its impact on the living conditions of occupants of No 53.
6. The rear elevation of No 53 is relatively narrow, with two ground floor windows and a glazed central door. The immediate rear garden area of No 53 is relatively short and narrow, bounded at the rear by a low wall that separates it from a shared access serving other rear gardens along this row.

7. The appeal proposal would infill the gap between the existing rear offshoot at No 55 and the shared boundary with No 53 with a single storey extension. It would feature a hipped roof design sloping away from the shared boundary, with 3 high level windows and 3 roof lights facing towards No 53.
8. The proposed extension would extend along the entirety of the immediate rear garden of No 53. The brick side elevation of the extension would sit closer to this neighbouring property than the existing offshoot and would be appreciably taller than the existing boundary fence. It would appear oppressive from rear facing windows in No 53 and its rear garden. It would considerably increase the sense of enclosure and thus would have a harmful effect on outlook from No 53.
9. While a degree of flexibility can be applied when considering the Council's Design Guidance for House Extensions document, the proposed extension would project beyond the rear wall of No 53 significantly further than the recommended 3.5 metre maximum projection.
10. No 53 has a north facing garden and so its immediate rear garden area and rear facing windows experience only limited direct sunlight. This is curtailed further by the 2-storey offshoot at No 55, which casts shadow over No 53 at times, particularly when the sun is lower in the sky to the east. The proposed extension would exacerbate this, further eroding the amount of direct sunlight and daylight reaching the rear facing windows and rear garden space of No 53.
11. The proposed extension would feature windows facing directly towards the rear garden area of No 53. However, these principally serve the proposed open plan kitchen, which would benefit from additional openings in the rear elevation and roof slope. Planning conditions could therefore be used to ensure the windows directly facing No 53 would be obscurely glazed and non-opening, without undue harm to the living conditions of future occupiers. This would prevent any direct overlooking of No 53, thus adequately protecting the privacy of neighbouring occupiers.
12. While the proposal would not unduly harm the privacy for the occupiers of 53 Mill Lane, subject to appropriate planning conditions, it would have a harmful effect on the living conditions of the occupiers of No 53 overall, with particular regard to outlook and light. It would therefore conflict with Policy ENV1 of the Local Plan. This policy, among other provisions, seeks to ensure that development has regard to the amenity of existing or proposed properties.

Other Matters

13. As set out in Paragraphs 7 and 8, the Framework seeks to ensure that the planning system contributes to the achievement of sustainable development. This is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The proposal would meet the needs of the appellant, and potentially future occupants of the appeal site, by enhancing the size and functionality of the host dwelling and creating comfortable, usable and accessible space. There is however no evidence of any wider public benefits arising from the proposal. Moreover, it would result in material harm to the living conditions of the existing and future users of No 53, contrary to paragraph 135 of the Framework.
14. The development would create employment opportunities for local builders and tradespeople. This would be a very modest economic benefit given the small scale

and context of the proposal. Given the harm identified, the proposal has not been demonstrated to be an effective use of land. Moreover, there is no evidence that the proposal would result in an increase in the amount of Council Tax payable, nor that this would amount to a net economic benefit overall. The proposal would thus conflict with provisions of the Framework, taken as a whole.

15. The application received no comments or objections from interested parties. However, the absence of comments in support or against the application does not in itself demonstrate that the development is acceptable in respect of the main issue.
16. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

17. The development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR