



Appeal Decision

Site visit made on 11 March 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/C2741/D/24/3356543

20 Manor Lane, Rawcliffe, York YO30 5TX

- 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 Simon Mullier against the decision of City of York Council.
 - The application ref is 24/01463/FUL.
 - The development proposed is described as: Part two storey side extension with rear access stairs.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been updated. I am satisfied there are no changes of any consequence for the main issues in this appeal.
3. Furthermore, since the Council determined the application the City of York Local Plan, February 2025, (the Local Plan) has been adopted. I have therefore determined the appeal based on the current applicable policies in the Local Plan insofar as they are relevant.

Main Issues

4. The effect of the proposed development on:
 - the character and appearance of the site and the surrounding area; and
 - the living conditions of the occupants of 18 Manor Lane, with particular reference to outlook and privacy.

Reasons

Character and Appearance

5. Manor Lane is within a residential area characterised predominantly by semi-detached two- and single-storey dwellings constructed from red brick, many with red tile-hung bay windows and clay tile roofs. Modest gardens extend to both the front and rear. Several properties have single- or two-storey extensions to the side, predominantly from matching materials and with pitched roofs that complement the form of the original design. However, the original form and appearance of properties and spacing between them remains intact and legible.
6. The appeal property, 20 Manor Lane, is a departure from the prevalent appearance of the area having been rendered to the front and rear elevations and

with grey tiles to the roof and front bay window. Furthermore, the property has a flat-roofed extension to the side to first floor level toward the front of the property and at ground floor only toward the rear.

7. The proposed development would extend the first floor over the existing ground floor extension to the rear. While this would rationalise, to an extent, the form of the extension, presenting a unified side elevation and simplified roofline, it would also increase its mass. This would result in an unbalanced appearance and greater presence in the street scene when seen in conjunction with the neighbouring property, 18 Manor Lane. The proposal would also diminish the visual separation between the appeal property and the neighbouring property. Furthermore, the proposed external staircase to the rear, while less visible from the public domain, would result in an incongruous addition to the property when seen from and in the context of neighbouring properties.
8. Taking the above into account, I find that the development would have a harmful effect on the character and appearance of the area. I therefore find that the development conflicts with Policy D11 of the Local Plan, which seeks, among other things, to ensure high quality design makes a positive contribution to the character of the area through its design and response to the space between buildings. It would also be contrary to the Council's Draft House Extensions and Alterations Supplementary Planning Document, December 2012 (draft SPD), which highlights that side extensions should respect spacing between buildings and harmonise with the host property.

Living Conditions

9. At present, there is intervisibility between neighbouring properties along Manor Lane and Eva Avenue, the street to the rear of Manor Lane, as is common in housing development in a suburban context. Intervisibility between dwellings is predominantly from first floor windows only due to boundary fences, outbuildings and mature landscaping within gardens.
10. The garden to No 18 is currently visible from a rear-facing first-floor bedroom window in the existing side extension of the appeal property. The proposal would move this rear-facing window away from the rear elevations of both the appeal property and No 18 thereby reducing the amount of neighbouring garden that would be visible from within the appeal property. However, the introduction of an external staircase and, only partially enclosed, first-floor landing to the appeal property would permit views, from an elevated position, into both the garden and rear windows of No 18. Therefore, based on the plans submitted with the application and observations made during my visit, I find that the effect of the proposed development on overlooking, and consequently privacy of occupiers of No 18, would be neutral in respect of the garden space, and harmful with respect to direct views towards the rear windows of No 18.
11. The proposed development represents a modest increase in the overall scale and mass of the side extension to the host property. However, given the relationship between the proposed development, the existing gable wall of the host property and No 18, I do not find that the proposal would obstruct windows or significantly reduce sunlight to or, otherwise, be harmful to the outlook from No 18, or detract from the living conditions of occupants by being overbearing or oppressive.

12. Taking the above into account, I find that the development would have a harmful effect on the living conditions of occupiers of No 18 due to loss of privacy. I therefore find that the development conflicts with Policy D11 of the Local Plan, which seeks, among other things, to ensure high quality design does not harm the amenity of neighbouring occupiers. It would also be contrary to the Council's draft SPD, which highlights that side extensions should avoid undue harm to neighbours' living conditions.

Other Matters

13. I acknowledge the proposal would provide additional space, improved insulation and ease of maintenance that would benefit occupants of the appeal property. However, these are not benefits of sufficient weight to justify the harm identified above.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

C Mayes

INSPECTOR