



Appeal Decision

Site visit made on 22 April 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JUNE 2025

Appeal Ref: APP/E2001/D/25/3361203

2 Manor Close, Beverley, East Riding of Yorkshire HU17 7BP

- 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 Mrs Leanne Dorsey against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02862/PLF.
 - The development proposed is extension to existing single storey rear extension, current extension is reverse L shaped, and application is to square off the extension.
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Decision

1. The appeal is allowed, and planning permission is granted for extension to existing single storey rear extension, current extension is reverse L shaped, and application is to square off the extension at 2 Manor Close, Beverley, East Riding of Yorkshire HU17 7BP in accordance with the terms of the application Ref 24/02862/PLF and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 146 100 Rev B – Block Plans; Drawing No 146 201 Rev B – Ground Floor as Proposed; Drawing No 146 400 Rev B – Elevations as Proposed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the application form and differs from that on East Riding of Yorkshire Council's (the Council) decision notice. It provides an accurate description of what is proposed, and I see no reason to deviate from it.
3. Since the submission of the appeal, the Council has adopted the East Riding Local Plan Strategy Document Update (April 2025) (ERLP SDU), which supersedes the Local Plan Strategy Document (April 2016) (LPSD). Policy ENV1 of the LPSD is superseded by Policy ENV1 of the ERLP SDU. Whilst there are some changes and additions, the relevant parts of the policy relating to the reason for refusal remain unchanged and the aims of both policies are broadly the same. I have determined

the appeal against the adopted development plan as required. In the interests of fairness, both main parties have been afforded the opportunity to comment on the changes to local policy. I am satisfied there has been no prejudice to any party in my determination.

Main Issue

4. The main issue is the effect of the proposed extension on the living conditions of the occupants of No 1 Manor Close (No 1) with regards to outlook and daylight.

Reasons

5. No 2 Manor Close (No 2) is a semi-detached two-storey residential property set within a housing area characterised in the most part by properties with long and narrow rear gardens.
6. No 2 has benefitted from a substantial single storey flat roofed rear extension that sits unevenly within the plot and is closest to the boundary with the attached property at No 1. Despite being located almost on the boundary, the section of the extension closest to No 1 is shallower in depth, creating a reverse L-shape and resulting in a proportion of the side elevation of the extension being set back from the boundary.
7. A tall and thick hedge extends along a substantial amount of the boundary between No 1 and No 2, except where the existing extension is closest to the boundary, beyond which is a short wooden fence.
8. The proposed development seeks to provide a small single storey addition to the existing extension to infill the gap adjacent to the boundary with No 1. The roof design would remain flat and the same height as the existing extension. Part of the existing hedge would be removed to accommodate the proposal.
9. The existing boundary hedge is substantial in size and not dissimilar in height to the existing extension or the proposed addition to it. Together with the existing extension to No 2, these are considerable boundary features that already create a sense of enclosure to the garden of No 1. The removal of part of the existing hedge and introduction of a wall to the proposed extension would have a similar enclosing effect.
10. The Council has expressed concern regarding the potential for the hedge to be removed later or damaged by construction of the proposed extension, and that this could lead to the loss of screening benefit. However, the submitted plans show that a section of hedge would be removed to accommodate the proposed extension and there would therefore be no screening benefit in any case, regardless of whether the remaining hedge is damaged or removed.
11. The East Riding Design Code (April 2025) (ERDC) has been adopted by the Council as a Supplementary Planning Document (SPD), which replaces the previous unadopted Design Guide for House Extensions that was referenced in the officer's report. Both documents provide similar guidance that suggests single storey extensions should not extend more than 3.5 metres past the rear elevation of the neighbouring property, if directly adjoining a side boundary.
12. Whilst it is acknowledged the contents of the SPD should be afforded greater weight as a material consideration given its adopted status, and that the document

provides a useful guide for consistency of decision making, I am conscious that every proposal needs to be assessed on its own merits and circumstances. In this case, there is already a substantial extension in place that projects in part beyond the 3.5 metre guidance and the existence of tall and substantial boundary features. In this case, having regard to the bespoke site-specific circumstances, the proposed extension would not give rise to an unacceptable level of dominance and sense of enclosure to the detriment of the living conditions of the occupants of No 1 with regards to outlook.

13. The proposed addition to the existing extension would be only marginally greater in height than the existing hedge, in the same location and on the shared boundary between No 1 and No 2. Together with the orientation of the properties, I do not consider that the amount of daylight to the garden and living accommodation of No 1 would be reduced to a level that would cause harm to the living conditions of the property's occupants by way of overshadowing.
14. I therefore conclude that the proposal would not be unacceptably harmful to the living conditions of the occupants of No 1 with regards to either outlook or daylight. Consequently, the development would comply with Policy ENV1 of the ERLP SDU, which seeks to, amongst other matters, achieve high quality design by having regard to the amenity of existing properties.

Other Matters

15. The Council's officer report indicates that the proposal before me seeks no amendments to a previous scheme that received planning refusal¹. Whilst this may be the case, no details of the previously refused scheme have been provided and I am therefore unable to assess whether it is relevant to this appeal. In any event, I have assessed the scheme before me on its merits.

Conditions

16. I have had regard to the planning conditions suggested by the Council in their appeal questionnaire and officer's report, and I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
17. In addition to the standard timescale condition, I have imposed a condition requiring details of materials to be submitted and agreed to safeguard the character and appearance of the area. I have imposed a condition specifying the approved plans as this provides certainty.

Conclusion

18. For the reasons given above, I conclude that the scheme would accord with the development plan and the appeal should therefore be allowed.

L Fern

INSPECTOR

¹ Council Ref 22/02177/PLF.