



Appeal Decision

Site visit made on 16 July 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/E2001/D/24/3357678

Mires Farmhouse, The Mires, North Newbald, York YO43 4SE

- 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 James Killerby against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02229/PLF.
 - The development proposed is described as: 'Erection of a single storey extension to west side following part demolition of existing single storey extension, erection of a two storey extension to east side, installation of replacement doors and windows, installation of a roof light on west side, installation of sliding door to utility building and replacement steps and paving following removal of existing courtyard steps'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is a Grade II listed building¹. The site is also within the North Newbald Conservation Area (the CA). I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There is no accompanying appeal against a refusal of listed building consent for works to a listed building. Listed building consent for similar works was granted by an Inspector at appeal in 2023². The appeal application follows two previous planning applications for a similar development. Both applications were refused, in part, on the grounds of harm to the privacy of the occupiers of the neighbouring property, 4 Galegate Mews.
4. The Council sets out in its delegated report that the drawings for the appeal application are almost all identical to those in the scheme allowed at appeal, with the only alteration being to the proposed elevations, where a strip of translucent glass panels at 'eye level' are proposed to the upper part of the link extension facing 4 Galegate Mews. In its reasons for refusal the Council concluded that this would not adequately mitigate the harm through overlooking and light spill.
5. The appellant has provided an amended plan at appeal showing the entire first floor faced with translucent glass panels. It is unclear why this could not have been provided as part of the planning application. Nonetheless, this would represent a material change to the plans that were considered by the Council and I am concerned that this would prejudice those who have previously commented on the

¹ List Entry Number: 1103415.

² Appeal Ref: APP/E20001/Y/22/3302610.

application who would not have opportunity to comment on the revised scheme. Whilst I acknowledge that comments from the occupier of 4 Galegate Mews suggest that they would be supportive of translucent glazing at first floor level, I cannot be certain that this is the precise amendment that they envisaged. I would also note that this was not the only local resident to raise concerns at the application stage. As such I consider that it would be inappropriate for me to formally consider the revised proposal. I have therefore determined the appeal on the basis of the plans refused by the Council.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property, 4 Galegate Mews, with particular regard to privacy and disturbance from light spillage.

Reasons

7. Mires Farmhouse is a large detached farmhouse located adjacent to its former outbuildings, the majority of which have now been converted. The farmhouse comprises of the main principal wing facing the highway, with a series of projecting predominantly 2 storey wings to the rear, wrapping around three sides of a small courtyard area. A single storey detached outbuilding also faces onto the courtyard.
8. 4 Galegate Mews (No 4) is an end of terrace dwelling. The property has a small rear garden enclosed by a reasonably high fence. A narrow pathway providing access to the rear of neighbouring properties separates the garden from the high wall that bounds the edge of the courtyard area to the rear of Mires Farmhouse. Whilst views are partly obscured by the single storey outbuilding, I saw on the site visit that part of the courtyard-facing elevation of the projecting rear wing was visible in views from the spaces around the dwelling at No 4. Nonetheless, despite its close proximity to No 4, windows are limited on this elevation and, having regard to the screening provided by the wall and the detached outbuilding, my impression was that privacy levels within the rear garden and the rear rooms of No 4 were reasonably high.
9. The proposed 2 storey glazed link extension to the projecting rear wing would run along the elevation facing towards No 4. This would bring the wing notably closer to the rear garden and rear windows of that property, located just 4.9m from the boundary wall. In the absence of any mitigation, there would be clear views at a close distance from the proposed first floor landing into the rear garden, kitchen and lounge of No 4. The provision of the proposed strip of translucent glazing would limit such views at adult eye level. However, clear views would remain possible for those below adult height, or those not standing, to the detriment of the privacy of the occupiers of No 4.
10. Moreover, the perception of overlooking would remain, despite the presence of the translucent strip. This is because members of the household moving along the newly created landing area would remain easily visible at this distance from the rear garden and the rear rooms of No 4. Such movement would likely catch the eye of occupiers of No 4, which would increase the perception of being overlooked, to the detriment of their privacy. These effects are likely to increase at times when the glazed link is illuminated through internal lighting. The proposal would therefore lead to privacy levels at No 4 being significantly worse than they are now.

11. Reference is made in the appeal submission to increasing the height of the existing boundary wall, but it is not clear how this would be carried out and the Council confirms that this did not form part of the application. I can therefore only give this limited weight.
12. With regard to the effect of light spillage, I am mindful that there are existing floodlights within the yard area that likely already contribute to light spillage from the appeal property towards No 4. Moreover, I am mindful of the context within a reasonably dense residential area, with light spillage already likely occurring from surrounding properties. Therefore, notwithstanding the effect of internal illumination considered above, I am not convinced that the proposed extension would lead to significant levels of disturbance to occupiers of No 4 through light spillage alone. Moreover, when illuminated after dark, I am not of the view that the proposal would be significantly more dominant and imposing with respect to the outlook from No 4, than it would be during the day.
13. Nonetheless, for the reasons set out above I conclude that the proposal would adversely affect the living conditions of the occupiers of 4 Galegate Mews through an adverse effect on privacy. This would be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document (2016) which seeks to ensure new development has regard to the amenity of occupiers of existing properties.
14. There would also be conflict with the provisions of paragraph 135 of the National Planning Policy Framework (the Framework) which requires planning decisions to ensure places created have a high standard of amenity for existing and future users. Similarly, there would be conflict with Part H2 of the National Design Guide which seeks to ensure that well-designed buildings are provided with amenity spaces with a reasonable degree of privacy.

Other Matters

15. Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving the special interest of the appeal property as a Grade II listed building. The special interest and significance of this asset largely stems from its architectural and historic interest as a good example of an early to mid eighteenth century farmhouse on a site and former farmstead that has evolved over time, with associated surviving buildings. The proposed glazed link would have a lightweight appearance allowing the existing elevations to remain in view. Given the relatively small area of the glazing that would have a translucent appearance, I am satisfied that this would not compromise the ability to observe these elevations. Mindful of the extant listed building consent, I am satisfied that the proposal would preserve the special interest and significance of Mires Farmhouse. On this basis the proposal would meet the requirements of the Act, and the provisions within the Framework. I note that the Council concluded similarly.
16. Similarly, I have a duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The special interest and significance of the CA insofar as it relates to the appeal derives from its surviving medieval street pattern, the prevalence of traditional agricultural buildings and farmhouses, and the use of local materials and construction techniques such as coursed limestone rubble. As an eighteenth century farmhouse of limestone rubble, the appeal building reinforces that special interest and significance. Owing to the lack of public visibility and the lightweight appearance

referred to above, I am satisfied that the proposal would preserve the special interest and significance of the CA in accordance with the requirements of the Act and the provision within the Framework. I am mindful that the Council came to a similar conclusion on this matter.

Conclusion

17. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR