



Appeal Decision

Site visit made on 24 February 2015

by Susan Heywood

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2015

Appeal Ref: APP/Y2736/D/14/2228223 Wold View, East Lutton, Malton YO17 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr Wakefield against the decision of Ryedale District Council.
 - The application Ref 14/01005/GPDE, dated 10 September 2014, was refused by notice dated 21 October 2014.
 - The development proposed is the erection of a fully glazed conservatory to rear of the property.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for the erection of a fully glazed conservatory to rear of the property at Wold View, East Lutton, Malton YO17 8TG in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The proposed conservatory would be erected to the rear of Wold View, close to the boundary with the adjoining property at Mapals. It would have a solid brick wall on its eastern elevation, facing Mapals. The conservatory would have an eaves height of 2.2 metres and, as such, that side wall would not be significantly taller than the existing close boarded fence separating the two properties at the rear. The roof of the proposed conservatory would slope away from the rear garden at Mapals and would be glazed. It would therefore have a light and transparent appearance which would allow daylight to filter through it.
4. The adjoining occupiers have expressed concerns that the proposed conservatory would obscure the view from the dining area and result in a loss

of light to their property. The private view from a window is not of itself regarded as a planning matter. I note that the rear building line of the two properties is staggered such that part of the rear wall at Mapals is set further back than that at Wold View. Nevertheless, the height of the proposed conservatory in relation to the existing boundary fence and the transparent roof design would limit the loss of daylight to the property at Mapals. The proposal would not therefore harm the amenity of the adjoining property.

5. Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy both seek to ensure that development does not harm the amenity of adjoining occupiers. The National Planning Policy Framework contains a similar aim. For the above reasons, I conclude that the proposed development would comply with these local and national policies.

Conclusion

6. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development and the date of completion.

Susan Heywood
INSPECTOR