
Appeal Decision

Site visit made on 15 April 2015

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 29/04/2015

Appeal Ref: APP/Y2736/D/15/3003359
76 Parliament Street, Norton, Malton YO17 9HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal in part to grant planning permission.
 - The appeal is made by Mr W Brannon against the decision of Ryedale District Council.
 - The application Ref 14/01184/HOUSE, dated 29 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is described as first floor extension over an existing single storey flat roofed rear extension to form a bathroom, erection of a porch over the rear entrance door and formation of a room in the roofspace including the construction of a dormer window on the rear elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension over an existing single storey flat roofed rear extension to form a bathroom and erection of a porch over rear entrance door. The appeal is allowed insofar as it relates to the remainder of the application and planning permission is granted for the construction of a dormer window on the rear elevation at 76 Parliament Street, Norton, Malton YO17 9HE in accordance with the terms of the application, Ref 14/01184/HOUSE, dated 29 October 2014, subject to the following condition:
 - 1) The dormer window hereby permitted shall accord with the revised plan drawing no. 14-1055-2.

Procedural Matter

2. The Council's decision on the application the subject of this appeal was split, granting planning permission for the dormer window and refusing permission for the rear extension and porch. Although the dormer window has already been constructed and the grounds of appeal state that the appeal is against the partial refusal, it is an appeal against the decision of the Council on the above application. Therefore, I have considered the whole proposal and determined the appeal on the basis of section 79(1) of the Town and Country Planning Act 1990, which allows the Secretary of State to deal with an application as if it had been made to him in the first instance.

Main Issue

3. The main issue in this case is the effect of the proposed first floor rear extension on the living conditions of the occupier of the neighbouring property at 78 Parliament Street, with particular reference to visual impact, daylight and sunlight.

Reasons

Living Conditions

4. The appeal property sits at the western end of a row of two-bed, two-storey, terraced houses. The dwellings front Parliament Street, but enjoy a south facing rear aspect, with small back yards forming private amenity spaces, overlooking allotments to the south.
5. The existing ground floor rear extension to no. 76 projects approximately 3.5 metres from the rear wall of the house and is approximately 1 metre from the side boundary with 78 Parliament Street. The proposed first floor extension would increase the height of the rear extension to approximately 5 metres to the ridge and 4.2 metres to the eaves.
6. At the rear of no. 78 is lean-to porch and a canopy forming the rear entrance to the property and providing the occupier with a covered, private amenity space, which is immediately adjacent to the boundary with no. 76. Beyond this is a small back yard, measuring approximately 4 metres wide by 8 metres long. There is a window to the kitchen in the rear wall of no. 78, which sits underneath the canopy, and a window in the rear elevation of the porch.
7. The proposed first floor extension to no. 76 would result in a wall measuring approximately 4.2 metres high and 3.5 metres long, within 1 metre of the boundary with no. 78. As such it would dominate the outlook from the rear of no. 78 and have an overbearing effect on its small back yard and covered private amenity space beneath the canopy. Although the presence of the canopy does currently restrict light to the kitchen window, the proposed extension would further reduce daylight and afternoon sunlight to the kitchen and to the area beneath the canopy to an unacceptable level.
8. On this basis I conclude that the proposed first floor extension would cause unacceptable harm to the living conditions of the occupier of 78 Parliament Street. Therefore, it would be contrary to Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy (September 2013) which seek development that protects amenity and does not have a material adverse impact on the amenity of occupants of neighbouring properties, including loss of daylight or an overbearing presence. It would also conflict with the core planning principle in paragraph 17 of the National Planning Policy Framework to seek a good standard of amenity for future occupants of land and buildings.

Other Matters

9. The proposed porch would appear as an acceptable single storey, lean-to addition to the rear of the appeal property, consistent with other single storey rear extensions along the street. It would allow the rear access to no. 78 to be retained and, being on the opposite side of the rear extension from no. 78, it would have no effect on its outlook. However, based on the plans submitted, the roof of the porch would connect to the first floor extension and would not be severable from it. Therefore, given that the first floor extension would be unacceptable, the porch as designed would also be unacceptable.
10. The dormer window on the rear roof slope has been installed in accordance with the submitted plans. Its design, proportions and position on the roof slope are acceptable, it is not visible from Parliament Street and it overlooks allotments to the rear of the property. Therefore, I conclude that the dormer

window does not harm the character and appearance of the host dwelling and the surrounding area nor the living conditions of the occupiers of neighbouring properties. As such it accords with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy (September 2013) and with paragraphs 17 and 58 of the Framework which seek good design and standards of amenity.

Conditions

11. Given that the dormer window has already been constructed there is no need for a condition to limit the life of the permission. However, in the interests of proper planning I have included a condition tying the permission for the dormer to the revised submitted plan, so that there is no doubt about what has been approved.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed in part for the dormer window and dismissed in part in relation to the first floor rear extension and porch.

M Hayden

INSPECTOR