



Appeal Decision

Site visit made on 13 May 2015

by **Peter D. Biggers BSc(Hons) MRTPI**

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

Decision date: 22 May 2015

Appeal Ref: APP/Y2736/D/15/3005512

2 Castle Howard Drive, Malton, North Yorkshire YO17 7BA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms K Waller against the decision of Ryedale District Council.
 - The application Ref 14/01287/HOUSE, dated 21 November 2014, was refused by notice dated 21 January 2015.
 - The development proposed is raising roof lines to either gable end including front dormers.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the living conditions of present and future occupants of 2A Maiden Greve would be adversely affected in terms of loss of light, overshadowing and proximity and the effect of the proposed development on the character and appearance of the host property and the surrounding area of Castle Howard Road and Drive.

Reasons

3. The appeal property at No 2 Castle Howard Drive is a predominantly single storey brick built house with a 2 storey central gabled section. It occupies a corner plot on the junction of Castle Howard Road and Castle Howard Drive. The garden fronting Castle Howard Road is generous but in the recent past the plot has been subdivided and the rear section onto Maiden Greve developed with a detached 2 storey dwelling that is occupied independently to No 2. The new dwelling at No 2A Maiden Greve has a patio area on its east side adjacent to the common boundary with No 2.

Living Conditions

4. The proposed first floor vertical extension to No 2 would raise the roof of the whole dwelling by about 1.5 metres to a new ridge height of around 5.5 metres. The newly raised section would be about 4 metres from the common boundary and directly south of the patio garden to No 2A Maiden Greve.
 5. It has been put to me, based on some indicative lines on the submitted plans, that the loss of sunlight as a direct result of the raised roof at No 2 would be minimal and that the neighbouring dwelling's own height, particularly when the sun is in
-

the west, creates a greater degree of shadow over the patio. I accept that given the orientation of the two properties the sun would be at its highest point as it passes over the heightened roof to No 2 and for a significant portion of the year the effect of the proposal on the patio of No 2A would be minimal. However in the winter months, when the sun is much lower in the sky to the south, the height and proximity of the elevated roof would have an effect on levels of sunlight and cause a greater degree of overshadowing to the patio.

6. More significantly however the close siting and proposed increased height of the appeal property in relation to No 2A and its patio garden would result in an overbearing relationship. The proximity of the heightened brickwork and roof at only 4 metres from the boundary would have an adverse effect on the enjoyment of the patio space at No 2A to the detriment of the occupant's living conditions.
7. The Core Principles of the *National Planning Policy Framework* (the Framework) at paragraph 17 require development to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SP20 of *The Ryedale Plan – Local Plan Strategy* (LPS), in seeking to ensure development will not have a material adverse impact on the amenity of users or occupants of neighbouring land and buildings is consistent with this aspect of the Framework.
8. It has been put to me that because No 2A Maiden Greve was erected in the garden of the appellant's property it has always had a subservient relationship to No 2. However as No 2A is a detached, independently occupied dwelling its occupants have the same rights set out in paragraph 17 of the Framework as has the appeal property.
9. For the reasons above the proposed extended dwelling would be detrimental to the living conditions of present and future occupants of No 2A resulting in an overbearing relationship and some loss of sunlight in the winter months. As such it would conflict with the Framework and policy SP20.

Character and Appearance

10. The main elevation to No 2 faces onto Castle Howard Road, a road that is predominantly comprised of large 2 storey detached dwellings. Castle Howard Drive is more of a mix of styles including a number of bungalows but in the vicinity of the appeal site the properties are mainly 2 storey. The appeal property with its elevated central gable section is not presently in keeping with any of the surrounding properties. Indeed increasing the roof height would bring the property more into line with the appearance of the 2 storey dwellings on the opposite side of Castle Howard Road with their central gable feature facing the road.
11. I acknowledge that, being a corner plot, No 2 is in a prominent position on Castle Howard Road but it is set well back in a spacious landscaped plot and the increase in the roof height would not of itself have an adverse impact on the character and appearance of Castle Howard Road.
12. I accept that the narrowness of the gable end of the house onto Castle Howard Drive would be accentuated by the increase in roof height but the design of the vertical extension in incorporating the central crossing gabled section would enhance the visual appearance of the existing house.
13. Policy SP 16 of the LPS is consistent with the Framework in seeking high quality development that respects the context provided by its surroundings. The policy

also requires extensions to buildings to be appropriate and sympathetic to the character and appearance of the host building. For the reasons given above, whilst I acknowledge that the extension is a significant change to No 2 Castle Howard Drive changing its currently horizontal emphasis to a vertical one, I am satisfied that the proposed extension would not be inappropriate in respect of the host building and would be respectful to the surrounding context. As such the proposal would not conflict with LPS policy SP16.

Conclusion

14. I have carefully considered all matters before me and, notwithstanding my conclusion in respect of the impact on character and appearance, this does not outweigh the harm the proposal would bring to the living conditions for present and future occupants of No 2A Maiden Greve. Accordingly the appeal should be dismissed.

P. D. Biggers

INSPECTOR