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## Appeal Decision

Site visit made on 8 January 2016

**by Louise Crosby MA MRTPI**

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

**Decision date: 13 January 2016**

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**Appeal Ref: APP/Y2736/D/15/3136864**  
**104 Parliament Street, Norton, Malton, YO17 9HE**

- 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 Miss L A Scholefield against the decision of Ryedale District Council.
  - The application Ref: 15/00916/HOUSE, dated 7 August 2015, was refused by notice dated 24 September 2015.
  - The development proposed is a two storey side extension to form a kitchen/dining area with a bedroom above.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - i) the character and appearance of the area and the host property; and
  - ii) the living conditions at 100 Parliament Street.

### Procedural matter

3. The Council's decision notice is not specific about the harm to living conditions at No 100 and whether this would be in the garden or the house or indeed both. However, the Council officer's report deals only with living conditions in the garden of No 100 and so I shall deal with the appeal on the same basis.

### Reasons

4. No 104 is a 2 storey dwelling that is one of four properties in this block (a quarter house). A similar block exists adjacent to it. The buildings are uniform and symmetrical in design and from the road it is not readily apparent that they are 'quarter houses'. They are located in an area containing predominantly older properties that vary in design.
  5. Of the 8 properties in the 2 blocks, only No 104 which is located at the rear of this block has a garden area. At present it is a one bedroom property. The 2 storey side extension would provide a kitchen and dining area at ground floor level and a second bedroom above. Despite being 2 storey in height the extension would be much lower than the host building and set well back from the front elevation.
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6. As a result of the design of the block, from the street the modest sized extension would appear as a subservient extension to a semi-detached dwelling. While the uniformity and symmetry of the block would be lost I am not convinced that this would be unduly harmful.
7. Moreover, this property is the only one of the eight in these 2 blocks that could be extended in this manner because of the additional amenity space it contains. Also, the other block is much closer to the side boundary. The proposal would respect the character and appearance of the host dwelling and the surrounding area, which is mixed in character.
8. As such, it would accord with Ryedale Plan – Local Plan Strategy (LP) policies SP16 and SP20 in so far as they both seek to ensure new development is appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and use of materials.
9. Turning to the matter of living conditions, No 100 is the property in front of No 104 and it faces the road. It has a small amenity space at the side containing a path to the entrance door, a small gravelled area and a timber shed. The shed is close to the boundary with No 104 which is marked with a timber fence.
10. The extension would be built close to this boundary and project around 2.6m from the side elevation of No 104. It would be much higher than the shed and fence. As such, it would appear extremely overbearing when sitting in the small amenity space at the side of No 100. The existing shed will have very little impact on light and sunlight entering this area. However, given the orientation of the properties, the height of the proposed extension and its proximity to the boundary, it would result in a harmful loss of light and sunlight entering the amenity space at No 100.
11. As such, the proposal would have a detrimental impact on living conditions at No 100 and conflict with LP policy SP20 which seeks, among other things, to ensure that new development does not have a material adverse impact on the amenity of the users or occupants of neighbouring land by virtue of loss of natural daylight or be an overbearing presence.
12. The lack of harm in relation to character and appearance is far outweighed by the identified harm to living conditions and so for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Louise Crosby*

INSPECTOR