



Appeal Decision

Site visit made on 25 September 2019

by **T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/Y2736/D/19/3229489

The Shires, 3 Back Lane, West Lutton, Malton YO17 8TF

- 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 Mrs Rachel Sellers against the decision of Ryedale District Council.
 - The application Ref 19/00091/HOUSE, dated 26 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is: rear extension, remove chimney one stack, first storey and loft extension above garage, loft conversion to main house changing windows and principle door, extending swimming pool area for WC/shower, raising roof to swimming pool area and reroofing to swimming pool area with concrete roof tiles, dormer window to rear main roof.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension to existing garage building and front elevation dwelling and installation of dormer window to rear elevation to allow loft conversion. The appeal is allowed insofar as it relates to the extending swimming pool area for WC/shower, raising roof to swimming pool area and reroofing to swimming pool area with concrete roof tiles and planning permission is granted at The Shires, 3 Back Lane, West Lutton, Malton YO17 8TF in accordance with the terms of the application, Ref 19/00091/HOUSE, dated 26 January 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) Unless varied by other conditions of this decision, the development hereby permitted, insofar as it relates to the extended and altered swimming pool only, shall be carried out in accordance with the following approved plans: Location/Block Plan RSO7; Proposed elevations RS05A; Proposed elevations RS21B; and Proposed floor plans RS03.

3) An amended roof plan for the altered swimming pool shall be submitted to and approved in writing by the Local Planning Authority prior to any work on the installation of the new roof. The work shall be carried out in accordance with the approved plan.

Procedural Matter

2. The Council's description of the proposal is the erection of single storey extension to rear of swimming pool building, raising height of swimming pool

building, first floor extension to existing garage building and front elevation dwelling and installation of dormer window to rear elevation to allow loft conversion. I have considered the proposal on the basis on the appellant's description, which accurately defines what is proposed.

3. Amended plans were submitted prior to the determination of the application by the Council. The amendments include a reduction in the height of the proposed new roof for the swimming pool, and a reduced ridge height for the 2 storey extension to the main house. There is some inconsistency in the submitted plans in this respect of both elements. In the case of the swimming pool the proposed roof plan does not incorporate the reduced height of the new roof. In the case of the 2 storey extension, the proposed front elevation shows the eaves height of the extension over the garage to be higher than the main house. However, the amended elevation drawing shows, in side view, the eaves height the same as the existing house to one side but remaining higher on the other side. I proceed on the basis of the amended plans, despite these discrepancies.
4. The appellant has submitted an arboricultural impact assessment with the appeal. I have given the Council the opportunity to comment on the report. However, no comments have been received.

Main Issues

5. These are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of neighbours; and
 - protected trees.

Reasons

Character and Appearance

6. The Shires is a substantial red brick, 2 storey, 4 bedroom dwelling within the village of West Lutton. It occupies a plot at the corner of Back Lane, and has a large garden containing some mature trees that are subject to a Tree Preservation Order. The closest neighbour is a 2 storey property called The Haven, which is similar in architectural style and set slightly forward of The Shires. To the rear are what appear to be some gardens to buildings which are being refurbished.
7. The property is set back from the lane and occupies a plot where the built up area of the village meets the open countryside. The garden area to the north side of the property is situated within a designated Visually Important Undeveloped Area and Area of High Landscape Value in the Ryedale Plan – Local Plan Strategy with Main Modifications and Additional Modifications (adopted September 2013) (the Local Plan).
8. The proposal involves a number of distinct parts. Above the existing garage to the front, and to the side of the main dwelling, additional bedroom accommodation would be provided at first floor. This would have a pitched roof, slightly lower than the existing hipped roof, and finished in materials to match the property. Given the discrepancies in the amended plans, it is not clear whether the eaves level of the extension over the garage would be noticeably

higher than that of the existing house. If that is the case the extension would appear out of keeping with main house and give an unbalanced appearance. However, if it is not the case, other consequential changes to the design may be required, including the pitch of the roof to the extension, which may also result in a somewhat discordant appearance.

9. Even if the discrepancies in the plans can be overcome to achieve a consistent eaves line and pitch of roof to match that of the existing property, the scale of the proposed extension over the garage would appear disproportionately large in relation to the existing house. Although views of the property from within Back Lane are limited by hedges to the front and side, there can be no guarantee that these will remain at their current height in the future. Overall, the proposal would not represent good design and would erode the character and appearance of the area.
10. At second floor 4 further bedrooms would be created, including a pitched roof dormer in the rear roof slope of the house. The proposed dormer would have limited effects on the character or appearance of the area due to the position within the rear roof slope. The inclusion of bedrooms in the roof space over the front projection would not affect the external appearance and would therefore have no direct effects in terms of this main issue.
11. The property has a long rear extension providing an indoor swimming pool. The proposal includes the replacement of the existing polycarbonate roof with tiles, and a small extension to provide a WC and store room. Neither of these elements would affect the character or appearance of the area due to the location to the rear garden and limited visibility from neighbouring properties.
12. I therefore conclude that the proposed first and second floor extensions would cause harm to the character and appearance of the area and would not comply with Policies SP16 and SP20 of the Local Plan, which amongst other things require that the design of new development should respect the local context including the proposed scale, form and architectural detail, and in the case of extensions to existing buildings be sympathetic to character and appearance.

Living Conditions

13. As originally submitted, the proposed re-roofing and extension to the swimming pool would increase the height of the roof to the same height as the existing conservatory, resulting in a height to eaves of approximately 3.2m with the neighbouring properties. There is a hedge along the boundary which helps to screen the swimming pool from views from these properties. However, given the overall height and length of the extension as originally proposed, the impact of the side wall on the neighbouring properties would be over-dominant.
14. The proposal has been amended to reduce the height of the side wall, and not increase the ridge height of the swimming pool. Based on the assessment provided in the planning officers report, the proposal as amended would result in the height of the side wall being increased by approximately 0.3m. In addition to this increase in height, some allowance should be made for the proposed change in roofing material to tiles, and the increased length, both of which would cause some increase in the perceived bulk and mass of the swimming pool.

15. However, allowing for the presence of the existing boundary hedge which is higher than the existing eaves height of the side wall, I find that the proposal would not cause harm to the living conditions of neighbours at The Haven and other property to the rear.
16. The proposed extensions at first and second floors would not have an overbearing impact on or result in loss of outlook for neighbours due to the orientation of the extension and distance from adjacent properties. In the case of the proposed dormer, the property already has rear facing bedroom windows at first floor and the addition of the dormer window would not significantly add to the existing level of overlooking of neighbours gardens.
17. I therefore conclude that the proposal would not give rise to harm to the living conditions of neighbours and would comply with Policy SP20 of the Local Plan which requires, amongst other things that development should not cause adverse effects for the occupiers of neighbouring buildings.

Protected Trees

18. Under the proposal, the ground floor area would be extended adjacent to the existing kitchen and utility room. This would bring the property closer to trees covered by a Tree Preservation Order. There is a stable building and concreted area between the site of the proposed ground floor extension and the nearest trees in the group. As part of the appeal, the appellant has submitted a report by an arboricultural consultant who has surveyed the trees and identified the appropriate root protection areas for each specimen. These areas would not be infringed upon and the conclusion of the consultant is that the proposal would not compromise the future of any trees worthy of retention.
19. Although the Council has not commented, in view of my decision to dismiss those parts of the proposal which would infringe on the root protection area, I do not need to take a view on the findings of the report. However, based on my observations on site I see no reason to disagree with the finding of the report.
20. I therefore conclude that the proposal would not cause harm to protected trees and would therefore comply with Policies SP15, SP16 and SP20 of the Local Plan which amongst other things requires that new development should protect green infrastructure, respect the character and context of its surroundings.

Other Matters

21. The appellant has drawn my attention to other developments near to the site which are considered to have some similarities with the proposal. Photographs have been supplied, but no other details. Whilst it is understandable that the appellant wishes to draw attention to cases which she feels are similar to her own, I have no details of these other developments, such as whether works were actually granted planning permission and when. Therefore, it is not possible to make meaningful comparisons with the appeal before me, which I have considered on its own merits.
22. The appellant has also raised her personal circumstances, including the size of the family and the wish to host visitors who have families, and who may at times wish to stay overnight. The appellant also says that elderly relatives may

need to move to live with her family in the future. Whilst I give these matters some weight in my decision, they do not outweigh the harm I have identified in relation to the proposed first and second floor extensions.

Conditions

23. The proposal in respect of the swimming pool extension is capable of implementation irrespective of my conclusions regarding other aspects of the proposal. Therefore, in allowing the appeal for that part of the proposal, I attach a planning condition withholding permission for the first and second floor extensions. In addition, although the appellant has submitted elevations showing the reduced height of the roof, the roof plan remains as shown on the original drawings. I therefore attach a condition requiring an updated plan showing the revision to the roof plan in respect of the swimming pool to be submitted to the Local Planning Authority prior to the commencement of work on the new roof. For certainty I also attach conditions limiting the period in which the development must start to 3 years and requiring the work to be carried out in accordance with the approved plans.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the extension and re-roofing of the swimming pool, but dismissed insofar as it relates to the front and side extension at ground, first and second floor levels.

Tim Wheeler

INSPECTOR