



Appeal Decision

Site visit made on 19 January 2021

by **C Coyne BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/Y2736/D/20/3256863

Broughton Lodge, Broughton Road, Malton YO17 7BP

- 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 Mr & Mrs C & B Hopkinson against the decision of Ryedale District Council.
 - The application Ref 20/00214/HOUSE, dated 12 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is described on the application form as 'Proposed two storey extension at Broughton Lodge'. (sic)
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have described the development as '*Erection of two storey side extension following demolition of existing garage and outbuildings*'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of 'Lyndon B' having particular regard to matters of light and outlook; and
 - whether the proposed development would be capable of being occupied as a separate and self-contained residential unit.

Reasons

Character and Appearance

4. The appeal property is a large two storey detached dwelling with a red-brick façade and tiled roof. It has an attached single storey garage and outbuildings to one side which project a good distance to the rear, a two-storey extension on the other side and another single storey lean-to extension to the rear. The two-storey side extension to the original building currently forms a separate dwelling known as 'Broughton Cottage'. There is a large garden to the rear with a gravel driveway,

small grassed area and landscaping including trees and a hedge to the front of the property. The surrounding area is predominately residential comprising properties of a similar size and style to the appeal property as well as others with a slightly different style and smaller size.

5. The proposal would demolish the existing single storey side garage and outbuildings, replacing them with a new two-storey side extension that would be linked to the existing dwelling via a narrow single storey element that would also have a front and back door. The proposed extension would project a fair distance to the rear of the property covering the full footprint of the existing garage and outbuildings. It would also be almost as high as the existing dwelling.
6. Consequently, given its design, scale, height, massing, and substantial projection to the rear of the host property, the proposal would represent an unbalanced and incongruous addition to both the appeal property and the street scene. Given the gap between it and the appeal property at first floor level, the proposal would also fail to appear subordinate. As a result, I find that it would have a significant adverse visual impact in these regards.
7. I acknowledge that due to the partial screening provided by the hedge and landscaping the proposal would be partially screened from view by people traversing the footpath to the front of the property and that its rear projection would also not be fully visible from there. However, during winter months this vegetation would be less dense. Furthermore, the proposal would still be visible from the habitable windows of other residential properties nearby.
8. I therefore conclude that the proposal would materially harm the character and appearance of the area thereby failing to meet the requirements of policies SP16 and SP20 of the adopted Ryedale Local Plan Strategy Development Plan Document (RLP).

Living Conditions

9. According to the evidence, the proposal would have an eaves height of approximately 5 metres and a roof ridge height of approximately 7 metres, it would also be located very close to the shared boundary with 'Lyndon B' the neighbouring property. Furthermore, the orientation of the proposal means that its rear portion would be angled closest to the boundary. The proposal would also project approximately 6 metres beyond the rear building line of the neighbouring property.
10. There are two windows on the side elevation of the neighbouring property, which from the submitted evidence do not appear to be habitable rooms. However, there are windows serving habitable rooms on the rear elevation of 'Lyndon B' that are relatively close to the shared boundary. Consequently, even though there would be a gap between the proposal and 'Lyndon B', and some landscaping on the boundary, given the proposal's scale, massing, height and location, it would likely lead to an unacceptable loss of outlook from these rear windows. Furthermore, given the distance that the proposal would project past the rear building line, it would also be liable to create an increased sense of enclosure for the neighbouring occupiers particularly when using their rear and side gardens. For similar reasons it would in all likelihood also cause an unacceptable degree of overshadowing to the rear and side garden space, even though the side garden is less formally used.
11. Accordingly, I conclude that the proposal would materially harm the living conditions of the neighbouring occupiers of 'Lyndon B' having particular regard to matters of light and outlook. It therefore would fail to meet the requirements of policies SP16 and SP20 of the RLP.

Whether capable of being occupied as a separate and self-contained residential unit

12. Criterion d) of Policy SP21 of the RLP allows for further residential accommodation within the curtilage of an existing dwelling where it proposes to complement existing living arrangements and provided that it would remain ancillary to the existing house and not be separately occupied. It also discourages accommodation that has a separate access and the ability to be fully self-contained.
13. The proposal would create a two-storey extension to the host property which would contain a garden room, office, utility and toilet on the ground floor, and a bathroom and two bedrooms on the first floor. It would not have its own kitchen and would be linked to the main dwelling via the narrow access single storey element. Therefore, it would be reasonable to assume that the occupant would, for example, eat all their meals with the occupiers of the main dwelling.
14. Therefore, while I note that the proposal would have its own garden room meaning that its occupiers might not spend all their daily leisure time watching television or in the company of the occupiers of the main dwelling this does not necessarily mean that they would not live as part of the household in the main house or that the proposal would be a separate planning unit from the main dwelling. Furthermore, the proposal would be able to share facilities such as access, parking and the back garden with the main dwelling.
15. I acknowledge that the proposal has a front and back door that it is in effect almost detached from the main dwelling. However, this access would not be separate or cut-off from the main dwelling. Moreover, given the proposal's lack of a kitchen it would also not readily have the ability to be self-contained.
16. Therefore, in view of the above, I consider that the proposed extension would not, as a matter of fact and degree, constitute a separate unit of residential accommodation without any functional relationship with the main dwelling. It would therefore be an ancillary residential extension to the property, and I am satisfied that this relationship could be secured by imposing a suitably worded condition.
17. As a result, I conclude that the proposal would meet the requirements of criterion d) of Policy SP21 of the RLP.

Other Matter

18. I note that no objections have been submitted by interested parties in relation to the proposal and that the proposal has been supported by some interested parties. However, this matter does not alter or outweigh my conclusions on the above issues.

Conclusion

19. The compliance of the proposal with criterion d) of Policy SP21 of the RLP does not outweigh or overcome the harm I have found to the character and the appearance of the area or the living conditions of neighbouring occupiers and the resulting conflict with policies SP16 and SP20. Accordingly, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR