



Appeal Decision

Site visit made on 21 June 2017

by **Beverley Doward BSc BTP MRTPI**

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

Decision date: 5 July 2017

Appeal Ref: APP/F4410/D/17/3173837

22 Kirk Street, Hexthorpe, Doncaster, DN4 0BL

- 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 R Bloor against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/03066/FUL, dated 6 December 2016, was refused by notice dated 8 March 2017.
 - The development is a first floor extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Bloor against Doncaster Metropolitan Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The planning application was retrospective and the first floor rear extension has been completed.
4. The appellant states he would consider any reasonable and physically possible alterations that may be suitable and necessary to allow the appeal. The *'Procedural Guide – Planning Appeals – England'* advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reason for refusal they should normally make a fresh application (Annexe M.1.1). It also advises that if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1). I have considered the appeal on the basis of the same scheme that was considered by the Council.

Main Issues

5. The main issues in this case are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the neighbouring property at 20 Kirk Street.

Reasons

Character and appearance

6. The appeal site is a two storey terraced house located within a predominantly residential area which comprises of terraced houses. The mid terrace houses along Kirk Street have two storey outriggers to the rear with gables which span across two properties, whilst the house at the other end of the terrace (No 4) has a two storey outrigger with a monopitch 'half' gable. The rear of the entire terrace is visible from the public realm and whilst various alterations have been undertaken to the properties including the erection of new boundary walls, the creation of new openings and gates, the replacement of roof tiles and rain water goods the two storey outriggers and their gable walls form an important part of the street scene.
7. The first floor rear extension is visible from the public realm at the side and rear due to the position of the appeal property at the end of the terrace. The materials used on the external surfaces of the extension match those on the host dwelling. However, the windows on the extension do not reflect the brick lintel detail of those on the host dwelling or on other dwellings in the terrace. The extension extends along the boundary with the adjoining property, the appellant indicating that it has been constructed above a single storey flat roof extension which was already in-situ. It has a much narrower projecting gable than the other gables on the terrace and the pitch of the roof is steeper and the eaves are lower than those on the two storey outriggers on other houses in the terrace. Furthermore, the design of the extension is at odds with that of the two storey rear outrigger on the property at the other end of the terrace which, as a result of its siting along the outer boundary and its roof form, continues the symmetry of the terrace. The appeal proposal fails in this respect and appears at odds and out of keeping with the rest of the terrace and the surrounding area.
8. I appreciate that the appeal site is not within a conservation area or an area of special character or landscape value. I also note that the property has previously been vacant and that the appellant has undertaken various works to it in order to bring it back into use. However, for the above reasons I consider that the extension materially detracts from the character and appearance of the area. This being so, it is contrary to policy CS14 of the Doncaster Council Core Strategy 2011-2028 (Core Strategy) adopted 2012 in so far as it indicates that all proposals must be of a high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.
9. The extension is also contrary to saved policy ENV54 of the Doncaster Unitary Development Plan (UDP) adopted 1998 which indicates that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building and that all features which contribute to the character of the building or surrounding area should be retained. In addition it would fail to comply with the principle of the National Planning Policy Framework (the Framework) requiring good design.

Living conditions

10. The Doncaster Council Development Guidance and Requirements Supplementary Planning Document July 2015 (SPD) provides guidance to help implement the policies of the adopted development plan and sets out detailed requirements and guidelines against which planning applications will be judged as part of an assessment of wider planning considerations in relation to a site.
11. The siting of the first floor extension along the boundary with the adjoining property at No 20 for a distance of about 3.7m results in a tunnelling effect caused by the proximity of the side wall to the side of the neighbour's two storey outrigger. It is also contrary to the advice of the SPD which indicates that two storey extensions which project more than 3m should be set back from the boundary by 1m for each metre in excess of 3m.
12. In addition the extension encroaches upon the 45 degree exclusion zone which is advised in the SPD in order to protect the amount of light received in the main habitable rooms of neighbouring properties. I note that in this particular case a ground floor extension was already in-situ. However, the erection of the first floor extension and the resultant tunnelling effect has, despite the garden area of the property having been tidied up, caused a significant loss of outlook from the habitable room windows on the main rear elevation of the adjoining property. Whilst the orientation of the terrace in relation to the passage of the sun means that the extension has not caused the windows on the main rear elevation of the adjoining property to be overshadowed it seems to me that its proximity and scale is likely to have caused some loss of daylight to these windows and moreover has resulted in the extension appearing oppressive and over bearing when viewed from the windows on the rear of the main elevation of No 20.
13. Having regard to all of the above therefore, I consider that overall the appeal proposal by virtue of its scale and proximity has caused significant harm to the living conditions of the occupiers of the neighbouring property at 20 Kirk Street with regard to light and outlook. Accordingly, it is contrary to policy CS14 of the Core Strategy in so far as it indicates that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses. It is also contrary to the core planning principle of the Framework that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

14. The extension provides additional first floor space and the appellant contends that the appeal proposal gains some support by having enabled the property to be brought back into use thereby contributing to the provision of housing in the Borough and to achieving sustainable development.
15. The Framework indicates that there are three dimensions to sustainable development: economic, social and environmental. It indicates that these roles should not be undertaken in isolation because they are mutually dependent. It also indicates that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Given the harm caused to

the character and appearance of the area and to the living conditions of the occupiers of the neighbouring property, and considering the Framework as a whole, the alleged benefits do not outweigh the harm that would be caused. Consequently, the appeal proposal does not amount to a sustainable form of development.

16. The lack of objections to the appeal proposal does not outweigh the harm that I have found above.
17. In support of his case the appellant refers to an extension elsewhere in the Borough which it is suggested is similar to the appeal proposal. However, I have not been provided with sufficient information to be satisfied that the circumstances are directly comparable. In any event each case needs to be considered on its own merits and I confirm that I have considered the appeal proposal on this basis.

Conclusion

18. To conclude therefore, the appeal proposal is contrary to policies CS14 of the Core Strategy and ENV54 of the UDP. These policies are consistent with the core principles of the Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and take account of the character of different areas. It is contrary to the development plan as a whole and would not comprise sustainable development. I have found no material considerations which would warrant making a decision other than in accordance with the development plan. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR