

Appeal Decision

Site visit made on 31 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/B2002/W/17/3170201

38 William Street, Cleethorpes, North East Lincolnshire DN35 8PW

- 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 Paul Setterfield against the decision of North East Lincolnshire Council.
 - The application Ref DM/1085/16/FUL, dated 14 September 2016, was refused by notice dated 11 January 2017.
 - The development proposed is demolition of existing garage and erection of detached dwelling and new vehicular crossings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant sought to amend the description of the proposed development from that on the application form to: *Demolish existing garage and erect two storey detached dwelling. Install drop kerbs to serve both dwellings – resubmission of DM/0898/16/FUL*. However, I consider that the original description appropriately describes the development proposed and so have used the original description as set out on the application form, in my decision.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of the occupants of neighbouring properties.

Reasons

Character and appearance

4. The appeal site lies to the rear of no. 38 William Street, which is an end of terrace property on the corner of William Street and Hinkler Street in an area which comprises mainly terraced housing. A low wall runs along the boundary with Hinkler Street.
 5. The appeal site forms part of the rear garden of no. 38 William Street. It is currently occupied by a detached garage which would be demolished as part of the proposal. The garage is accessed from Hinkler Street, which is a small
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cul -de -sac of terraced properties in blocks. Hinkler Street has a broadly symmetrical pattern, with two blocks of terraced houses either side of the street and one at the end facing up the street.

6. The proposed development would introduce a small detached house within the rear portion of the back garden of no. 38 William Street. Two new vehicle crossings would be provided, one for the proposed new property and one for the residual garden of no. 38 William Street.
7. Whilst the height of the proposed house would be generally consistent with the houses of both Hinkler Street and William Street close to the site, it would project forward of the established and definitive building line of the terraced properties on the appeal site side of Hinkler Street. In particular the submitted plan¹ clearly shows the front bay window of the proposed new house extending well forward of the building line of the front porch at no. 2 Hinkler Street. As a result, the proposed house would appear discordant in the context of, and break the rhythm of, the Hinkler Street terraced block.
8. Currently the side walls of the two corner houses broadly line up with the front building line of the Hinkler Street side terraces. The proposed development would break that line and would be prominent in views down Hinkler Street from William Street. Coupled with its detached nature, this would lead to the proposed house jarring with the established terraced character of the cul -de-sac.
9. I have taken into account the points made by the appellant that a number of dwellings in the immediate vicinity, including some on Hinkler Street, have altered from their original design. However, I consider that there is a defined and established character of Hinkler Street and this part of William Street. In addition t
10. he appellant has drawn my attention to developments off St Peters Avenue, Thrunscoe Road and Taylors Avenue Cleethorpes. The first two of these developments sit behind corner properties, the third between two existing houses. I visited these sites and consider that the characteristics of each are different to those of the appeal site. In any event, I have considered this case on its merits and on the evidence before me.
11. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the area and be contrary to saved Policy GEN1 and saved Policy H10 of the North East Lincolnshire Local Plan 2003 (the Local Plan), which require new developments to be appropriate to their surroundings and not have adverse effects on the character of the local area.
12. I consider that these policies are broadly consistent with the National Planning Policy Framework (the Framework) particularly with the core planning principles in paragraph 17 and with the guidance on development within gardens in paragraph 53. As a result I have afforded both policies considerable weight.

Living Conditions

13. The proposed new house would sit very close to no. 2 Hinkler Street which has a porch and kitchen window at ground floor on the elevation facing the

¹ Reference GW/PS/WS2

appeal site and an obscurely glazed bathroom window at first floor level. The rear wall and rear part of the side wall of the proposed house would be extremely close to the kitchen window of no. 2 Hinkler Street and would be likely to have an overbearing and dominant effect on the occupiers of that property.

14. The proposed house, by virtue of its height and close proximity, would also appear over dominant in the outlook from the rear of the host property no 38 William Street and its neighbour no 36 William Street, both of which have rear windows facing the appeal site. Although the proposed house would be offset in the outlook from the rear of no. 36 William Street, it would still appear as over dominant given its bulk and proximity to the house.
15. Given the bulk of the proposed house and its relationship to the adjacent properties, I consider that it would adversely affect the amount of daylight entering the kitchen window at no 2 Hinkler Street to an unacceptable degree and would have an unacceptable impact on the levels of sunlight in the rear gardens of nos 38 and 36 William Street. The impact on sunlight the rear garden of no. 38 William Street would be particularly severe given the enclosing effect of the proposed house on that garden.
16. I conclude therefore that the proposed development would have a detrimental impact on the living conditions of occupiers of no. 2 Hinkler Street, no. 38 and no. 36 William Street contrary to saved Policies GEN1 and H10 of the Local Plan and paragraphs 17 and 53 of the Framework.

Other matters

17. I further note that the Council's committee report raises objections on the basis that the private amenity space would not be sufficient to service the needs of prospective occupiers leading to unsatisfactory living conditions. The proposal is for a two bedroomed house which could be occupied by a young family. The space to the side of the proposed house is for vehicle parking. I therefore consider that the level of private amenity space proposed is insufficient and unsuitable to meet the needs of the future occupiers of the house and would be contrary to saved Policies GEN1 and H10 of the Local Plan and also would be contrary to the Framework.

Conclusion

18. The proposed development would provide new housing in a location close to the town centre. Nevertheless, this benefit does not outweigh the harm to the character and appearance of the area and to the living conditions of the occupiers of neighbouring properties which would result.
19. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR