



Appeal Decision

Site visit made on 22 July 2019

by S Hunt BA(Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/B2002/W/19/3223622

1 Pyewipe Road, Grimsby, North East Lincolnshire DN31 2QL

- 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 Robert Andrew Hames of A&H Roofing Services against the decision of North East Lincolnshire Council.
 - The application Ref DM/0581/18/FUL, dated 13 July 2018, was refused by notice dated 19 December 2018.
 - The development proposed is demolition of existing premises, erection of 10 dwellings (3 storeys), alterations to vehicular access, widening of existing access road and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 neighbouring occupiers with particular reference to outlook and privacy; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers with particular reference to private amenity space and daylight.

Reasons

Character and Appearance

3. The site lies within a predominately residential area, including render and brick two storey terraced dwellings in a grid style street layout. The majority of these dwellings front the pavement edge giving the street scene an enclosed and uniform character. A short distance away, around Westgate roundabout, the area markedly changes to a commercial character. Immediately to the north are 8 semi-detached bungalows which face the appeal site, separated only by an access drive.
4. The appeal site comprises a commercial building currently in use by roofing contractors. The footprint of the building fills almost the entire area of the site,

- save for a parking area to the front and a small courtyard towards the rear. It is predominantly single storey open plan space with some commercial space at first floor above the main entrance fronting Pyewipe Road. I noted that there are no windows to the side elevations where the building abuts the boundaries.
5. A terrace of 10 dwellings is proposed, occupying the majority of the site, albeit on a slightly smaller footprint than the existing building. At three storeys in height it would be of such a scale and massing that it would appear distinctly at odds with the appearance of both the two storey terraced properties on Gilbey Road and the adjacent bungalows. Whilst the bungalows are anomalous in the area, nonetheless they are part of the established street scene here.
 6. The design, with its flat roof and large expanses of unrelieved brick, would increase the harm to the character and appearance of the area. The flat roof appears to have been incorporated in an attempt to keep the height of the building as low as possible, however flat roofs are not characteristic of the residential buildings in the area. Due to its height, the roof is unlikely to be used or maintained as a 'green roof'. The appearance of the proposed building from Pyewipe Road and from the gardens of surrounding neighbouring properties would be less satisfactory than the existing commercial building which has a staggered roof line and some variation to its principal elevation including feature gables.
 7. An attempt has been made to break up the massing of the side elevation which faces the bungalows. The projecting render blocks would be faced in different materials and lower in height, and the main three storey block pulled away from the boundary. However in my view this would provide inadequate relief from the massing of the building.
 8. Taking all these factors into account, I conclude that the development would have a significant adverse effect on the character and appearance of the area, resulting in an incongruous and out of scale building. This is exacerbated by the presence of the bungalows adjacent to the site, as there would be a marked contrast in scale and massing.
 9. The proposals conflict with Policies 5 and 22 of the North East Lincolnshire Local Plan (NELLP) which, amongst other matters, seek for development proposals to achieve a high standard of design informed by a thorough consideration of the particular site's context, and to have regard to size, scale and density. It would also be at odds with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework).

Living conditions of neighbours

10. The appeal site is in close proximity to numerous existing dwellings. The height and massing of the proposed development would therefore be oppressive and dominant. This would have a significant adverse effect on the outlook of neighbouring occupiers notwithstanding the increased distance between the proposal and the bungalows.
11. The terraced dwellings on Gilbey Road face north and currently look over a large blank wall of the existing building. This already results in a sense of enclosure for the occupants of these homes. Nonetheless, there would be an unacceptable additional oppressive effect on their outlook as a result of the

increase in height and massing over and above that of the existing gabled roof structure.

12. In terms of privacy, the majority of windows on the proposed development would face directly onto the adjoining bungalows. The separation distance of approximately 16 metres would be similar to other more traditional 'back to back' housing in the vicinity. However, the difference here is that there would be living areas and bedrooms located at first and second floor level looking down on bungalows unlike the existing terraced properties, which would give rise to unacceptable overlooking. This would be significantly different from the current situation given that there are no side windows to the existing commercial building.
13. I therefore conclude that the proposed development would have a significant adverse effect on the living conditions of neighbouring occupiers in terms of both an unacceptable loss of outlook and privacy. This would be contrary to Policies 5 and 22 of the NELLP which, amongst other considerations, require regard to be had to size, scale and density and neighbouring land uses. It is also contrary to paragraph 127(f) of the Framework which requires a high standard of amenity for existing and future users.

Living conditions of future occupants

14. Each plot would have a limited sized and shaded outside space to the front, serving a dual purpose as a parking area and yard. There is also a covered parking area underneath each dwelling which could be jointly used as amenity space. I note that future occupiers would be aware of the situation and there are no standards within the NELLP in relation to private amenity space and daylight. Nonetheless, whilst the amount of space would appear to be acceptable, it would not be a private garden space, it would receive very low amounts of sunlight, and there is potential for conflict between pedestrians and vehicles here.
15. These factors significantly reduce the usability of the space for future occupants. Whilst some future occupants may not want a garden and there is public open space nearby, these proposals are for terraced houses (not flats). It is therefore reasonable to expect that some useable private amenity space should be provided.
16. Additionally, the majority of the windows of the proposed dwellings would face northwards away from the direction of travel of the sun. Whilst this is not reason in itself to reject the scheme, the lack of sunlight coupled together with the aforementioned lack of useable private amenity space would be detrimental to future living conditions.
17. The lack of quality private amenity space and insufficient internal daylight would not provide acceptable living conditions for future occupiers, failing to comply with Policies 5 and 22 of the NELLP and paragraph 127(f) of the Framework.

Other Matters

18. Reference has been made to rights of way over the access road which serves the adjacent bungalows. Any decision on this appeal would not override any private legal rights of access, accordingly such issues have not had any material bearing on my assessment of the planning issues in this appeal.

Widening the access may assist with manoeuvring of vehicles around the bungalows, however this does not outweigh the harm identified above.

19. I acknowledge that the proposed residential development would be likely to have less impact in terms of noise and disturbance than the existing commercial building and would be built to present day building regulations, however these positive aspects of the scheme do not alter my conclusions in respect of the harm I have identified.
20. The NELLP and the Framework aim to significantly boost housing supply (including on windfall sites) and to make best use of previously developed land, and I acknowledge that the dwellings are aimed at the lower cost end of the market. I also note that the site is in an accessible location close to local services and employment. However, these benefits do not outweigh the significant harm the development would have on the character and appearance of the area and upon living conditions of existing and future occupiers.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

S Hunt

INSPECTOR