



Appeal Decision

Site visit made on 12 August 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/B2002/D/19/3230875

2 Old Main Road, Barnoldby-le-Beck, Grimsby DN37 0BE

- 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 Miss Gemma Richmond against the decision of North East Lincolnshire Council.
 - The application Ref DM/0047/19/FUL, dated 20 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is described as side extension to form carport with bedroom over and rear extension to form kitchen, living area.
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Procedural Matter

1. The description of development on the application form differs to that on the Council's decision notice. However, on the application form the appellant stated that the Council "may amend if required." The description on the Council's decision notice is: erection of single-storey extension to rear to include the installation of rooflights and erection of two-storey extension to side including covered walkway at ground-floor. This description, agreed by the parties, clarifies the nature and extent of the proposal. I have dealt with the appeal on this basis.

Decision

2. The appeal is allowed. Planning permission is granted for erection of single-storey extension to rear to include the installation of rooflights and erection of two-storey extension to side including covered walkway at ground-floor, at 2 Old Main Road, Barnoldby-le-Beck, Grimsby DN37 0BE, in accordance with the terms of the application Ref: DM/0047/19/FUL, dated 20 January 2019, subject to the conditions outlined below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 04, 05, 06.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used in the existing building.
 - 4) Construction works, including any clearance or demolition, shall take place only between 08:00 to 18:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of occupiers of existing properties.

Reasons

Character and Appearance

4. The site to which the proposal relates comprises a two-storey, semi-detached dwelling. The property is set-back from the road approximately 15-16 m at the furthest point, behind a boundary wall/hedge/gates and fence approximately 2 m high. The property is one of a row of 3 pairs of semi-detached properties and a detached dwelling. The row is set-back from, and facing, the junction of Old Main Road and Chapel Lane. There are other dwellings adjacent to and opposite the site, of various types, sizes and architectural styles, with a mixed palette of external materials. The site is located within the settlement boundary of the village of Barnoldby-le-beck, where the principle of the development is acceptable, subject to according with criteria outlined in relevant development plan policies.
5. The proposal comprises a two-storey side and single-storey rear extensions. The side extension would be constructed in line with the existing front and rear elevations of the property, the roof line and pitch would follow the existing roof line and pitch, and extensions to front and rear dormers would follow the elevation and roof lines of the existing dormers. The extension would be approximately 2.1 m wide and sited within 1 m of the boundary with the neighbouring property number 3 Old Main Road. The resultant gap between the side elevations of numbers 2 and 3 would be approximately 4 m. The ground-floor element of the two-storey side extension is designed with openings at the front and rear, allowing direct access from the front to the rear of the site without entering the building.
6. The proposed single-storey rear extension would extend across most of the width of the existing dwelling, projecting off the existing rear elevation to a depth of approximately 2.6 m. The maximum height and eaves height would be approximately 3.4 m and 2.3 m respectively. The extension would be sited close to the boundary with the adjoining semi-detached dwelling, number 1 Old Main Road. The external materials of the proposed extensions would primarily be brick and tiles to match the existing dwelling. I consider the size, scale, siting, design and materials of the proposed extensions to be proportionate to the existing dwelling and the plot within which it is located.
7. As the single-storey extension would be at the rear of the site it would be barely visible from public vantage points. Although the side extension would be visible from some public vantage points, I consider such views would be limited and restricted, due to the pattern of development, ie the road layout, positioning of houses and how they are orientated towards each other, minor variations in ground levels and the presence of trees and hedges along sections of the roads. At the junction of Old Main Road and Chapel Lane, which the site faces, there is a small, grassed area of incidental amenity open space which has 2 trees and a telegraph pole located within it. The Public House car park directly opposite the site has trees along its boundaries with Old Main Road. And many neighbouring residential properties have boundary treatments of a

height similar to the boundary treatments around the site. Hence, all these factors result in screening the site from any medium or long-distance viewpoints. In light of these factors I conclude that the proposed development would not harm the character or appearance of the area.

Living conditions – Existing Occupiers

8. The side elevation of number 3 has 2 windows at ground-floor level, which are secondary windows serving a living room at the front and a kitchen/dining room at the rear, and 1 window at first-floor level, which serves a bathroom. The proposed side extension has 1 window at first-floor level, which would also serve a bathroom. I note that the occupants of number 3 have concerns regarding loss of light, especially to the living room, privacy, due to overlooking of a front patio area, and noise disturbance during the construction phase.
9. The side elevation of number 3 faces broadly south-east. As such any direct sunlight to the windows on the side elevation of number 3 would be experienced mainly in the morning, when the sun rises. However, the position of numbers 1 and 2, the existing proximity of number 2 to the boundary with number 3 and the existing boundary treatment between numbers 2 and 3, are all factors that limit the amount of sunlight and daylight that would be currently experienced via the side windows at number 3. Furthermore, the 2 habitable room windows on the side of number 3 are secondary windows, with primary windows sited on the front and rear elevations. At approximately 2.1 m wide the proposed side extension would be closer to the side elevation of number 3 than the existing. However, a gap of approximately 4m would remain between the resultant side elevations of the 2 properties. Bearing all these factors in mind, I consider that the proposal would not significantly reduce the amount of sunlight or daylight to the neighbouring property number 3.
10. With respect to privacy, concern has been raised regarding potential overlooking of a front patio at number 3. However, the additional window that would be created on the front dormer at first-floor level would serve an en-suite room, ie a non-habitable room. Notwithstanding this, the position of the window would limit the extent of any view over the front garden area of number 3. The additional window that would be on the side elevation of the two-storey side extension at first-floor level would serve a bathroom; again, a non-habitable room which would also have limited views of any windows or garden areas of number 3. Consequently, I consider that the proposal would not result in any significant loss of privacy for the occupants of number 3.
11. Regarding noise disturbance during construction, I acknowledge there would be some. However, this would be for a limited period only and, given the close proximity of the neighbouring properties, I have attached a condition restricting the hours of construction to periods that would limit noise disturbance to neighbours. Bearing all the above factors in mind, I consider that the proposed development would not significantly harm the living conditions of existing neighbours.
12. Policy 5 of the North East Lincolnshire Local Plan 2013-2032, 2018 (the LP), requires development to have regard to, amongst other things, size and scale of development and potential impact upon neighbouring land uses by reason of, eg, noise disturbance and/or visual intrusion. In light of all matters outlined above, I conclude that the proposed development is of an acceptable size and scale and that the proposal would not result in significant visual intrusion or

noise disturbance to the occupants of neighbouring properties. As such the proposal accords with Policy 5 of the LP and paragraph 127 of the National Planning Policy Framework, which requires, amongst other things, development to provide a high standard of amenity for existing and future users.

Other Matters

13. It is noted that there are several Listed Buildings within the area, the nearest of which is the Church of Saint Helens, a Listed Building. However, there are numerous buildings, roads and trees intervening between the 2 sites, as is the case for other Listed Buildings in the area. As such, I consider the proposal would not result in any harm to the significance of any heritage asset from the proposal as a development within the setting of listed buildings, having special regard to the desirability of preserving each building or its setting or any features of special architectural or historic interest which they possess.
14. I have considered the concern raised regarding any grant of planning permission setting a precedent for similar developments. However, no similar sites to which this might apply were put forward. In any event, each application and appeal must be determined on its own individual merits and I do not consider that such a generalised fear of precedent is central to my decision.
15. The site is not in a flood risk area and does not raise any concerns regarding flooding; and given there are no changes to the site access and there is sufficient space within the site for on-site parking, the proposal does not raise any highways issues.
16. I note that concern has been raised regarding the effect of the proposal on neighbouring property values. However, this is not a matter to be considered as part of a s78 appeal.

Conditions

17. I have considered the conditions suggested by the Council. I have attached a condition specifying the plans, for the avoidance of doubt, a condition specifying external materials, to protect the character and appearance of the area, and a condition restricting construction times in order to protect the amenities of the occupants of neighbouring properties during the construction phase.

Conclusion

18. In light of all the above, the appeal is allowed, subject to the conditions listed.

J Williamson

INSPECTOR