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## Appeal Decision

Site visit made on 1 July 2020

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 July 2020**

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**Appeal Ref: APP/E2001/D/20/3250569**

**88 South Marine Drive, Bridlington YO15 3LT**

- 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 Ms G Andrews against the decision of East Riding of Yorkshire Council.
  - The application Ref 19/03026/PLF, dated 2 September 2019, was refused by notice dated 25 February 2020.
  - The development proposed is erection of extension to existing garage and raising of the roof to provide balustrading to create roof terrace above, erection of external staircase, enlargement and alterations to existing front balcony on east side and construction of balcony to front, installation of roof lights to the north and west elevation, installation of roof lights following conversion of loft space.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Ms G Andrews (the appellant) against East Riding of Yorkshire Council (the Council). This application is the subject of a separate Decision.

### Procedural Matter

3. There are conflicting details between the reports and plans before me. These relate to the proposed 'privacy screen' on the proposed rear elevation. The Council have confirmed that the plans which were determined, and now subject to this appeal, include drawing no. 10 Rev E that shows a 1.8m high louvred privacy screen. I have determined the appeal on this basis.

### Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the Bridlington (Hilderthorpe) Conservation Area and 2) the living conditions of the occupants of 137 Cardigan Road with regard to outlook and overlooking.

### Reasons

*Character and appearance of the conservation area*

5. The appeal property is a large detached dwelling with front and rear gardens. It is situated in a predominantly residential area that is primarily made up of two-

storey properties, some with roof-space accommodation. Several properties in the area have balconies and roof terraces, evidently due to the sea views that are afforded from properties in the area. The property is located in the Bridlington (Hilderthorpe) Conservation Area which is characterised by its concentration of large residential properties of Arts and Crafts, Art Nouveau, Art Deco and Revivalist architectural styles, with those occupying a sea front location being particularly prominent in the area.

6. The Councils reason for refusal focuses on the proposed installation of a 1.8m high balustrade to the rear elevation. This balustrade forms part of the proposed roof terrace above the garage which is proposed to be extended.
7. The proposed roof terrace, due to its siting and elevated position would be highly visible from street-based views across the existing bowling green. It would also be visible from residential properties to the rear of the site. I find that the proposed vertical louvred screen, at a height of 1.8m and incorporating decorative finials would jar with the lower glazed section of the balustrade on the other elevations. Its inappropriate design would be emphasised by its height and elevated position. It would appear highly prominent and due to the adjacent roof sloping away from the screen, it would appear highly exposed and isolated.
8. I conclude that the proposal would cause harm to the character and appearance of the Bridlington (Hilderthorpe) Conservation Area. It would be contrary to Policies ENV1 and ENV3 of the East Riding Local Plan (2016) which require, amongst other things, that development contributes to safeguarding and respecting the diverse character and appearance of the area, be of high quality design and appropriate scale, height and material; and conserve the setting of heritage assets.
9. The proposal would also be contrary to guidance contained in the National Planning Policy Framework (2019) which aims, amongst other things, to secure a high standard of design in order to conserve and enhance the historic environment.

#### *Living conditions*

10. Notwithstanding the bowling green and the sea front, the appeal site is surrounded by residential properties. In considering the effect of the development on living conditions the Council's reason for refusal refers specifically to those of the occupants of 137 Cardigan Road which lies to the rear of the appeal property.
11. The appeal site and the surrounding residential properties, including 137 Cardigan Road include large rear gardens. These gardens provide an element of spaciousness to the properties. Most gardens contain a noticeable amount of planting and landscaping, including at the appeal property and 137 Cardigan Road, where it is most pertinent along the boundary between the two properties.
12. As outlined above, the Councils reason for refusal, including in relation to living conditions, focuses on the proposed installation of the 1.8m high balustrade to the rear elevation.
13. On my site visit I was able to view the appeal site from 137 Cardigan Road, both internally and externally. I observed that limited views of the

development would be possible from the rear garden of the property, however these would be mainly screened by the existing landscaping. Some views of the development would be possible from the ground floor, due to a higher floor level than the garden, and the first floor of the property. I find that these views are however over such a distance that there would not be unreasonable harm. Given this degree of separation, I find that the proposal, due to its design and height would not appear dominant or oppressive when viewed from the property.

14. Due to the height and lack of transparency to the privacy screen, including taking into account the separation distance and landscaping as outlined above, views from the roof terrace would not be easily achievable towards 137 Cardigan Road. Even if some overlooking were possible, it would be of no greater impact than that which is possible from first floor windows between similar properties and their gardens and habitable rooms. I therefore do not consider that the proposal would have an unreasonable impact on the privacy of surrounding occupants, including those at 137 Cardigan Road.
15. I conclude that the proposal would not cause material harm to the living conditions of the occupants of 137 Cardigan Road in respect of outlook or overlooking. It would therefore comply with Policy ENV1 of the East Riding Local Plan (2016) which requires, amongst other things, that development has regard to the amenity of existing properties.
16. The proposal would also comply with guidance contained in the East Riding Design Guidance for Home Extensions which outlines that such balconies are only acceptable if they do not introduce significant overlooking of neighbouring rear gardens.

### **Other Matters**

17. I appreciate that Council officers recommended approval of the application to the planning committee and that the appellant may feel frustrated that their discussions with officers did not accord with the final outcome. However, it was within the committee's gift to make a decision on the application contrary to the officer recommendation, thus this consideration has had no bearing on my decision.
18. Objections were received to the proposal relating to the impact of the proposed roof terrace on noise and disturbance. Although not in the Council's reason for refusal and not pertinent to the main issues, I consider that given the siting of surrounding residential properties combined with the fact that the terrace would be to serve a single dwelling, it would not cause any unreasonable impacts in relation to noise and disturbance. It would have no greater impact in this sense than the use of the private garden. I have not been presented with any evidence that would allow me to give sufficient weight to the impact of any noise and disturbance on the activities of the bowling green.
19. I have been referred to an extant planning consent that included the provision of a roof terrace, in a similar manner to that currently proposed. Whilst I have given this fallback moderate weight, I find that there are sufficient differences, namely the design and height of elements of that development, that lead me to a different conclusion on the appeal proposal. I have also determined the appeal on its own individual merits.

### **Planning Balance and Conclusion**

20. Whilst I have found that the proposal would not cause material harm to the living conditions of occupants of 137 Cardigan Road, I have found that the proposal would cause harm to the character and appearance of the conservation area.
21. Having regard to paragraph 196 of the Framework, I find that the harm to the conservation area would be relatively localised and therefore the proposal would cause less than substantial harm to the significance of the conservation area. I do not, however, find that this harm would be outweighed by any public benefits of the proposal.
22. For the reasons set out above I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR