



Appeal Decision

Site visit made on 9 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2020

Appeal Ref: APP/E2001/W/20/3246759

Outbuilding West of North Bay Court, North Marine Drive, Bridlington, East Riding of Yorkshire, YO15 2JF

- 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 D Thompson against the decision of East Riding of Yorkshire Council.
 - The application Ref: 19/01142/PLF, dated 22 March 2019, was refused by notice dated 13 August 2019.
 - The development proposed is described as: Erection of pitched roof over existing flat roof including raise eaves height by approximately 0.75m.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of pitched roof over existing flat roof including raise eaves height by approximately 0.75m at Outbuilding West of North Bay Court, North Marine Drive, Bridlington YO15 2JF in accordance with the terms of the application, Ref: 19/01142/PLF, dated 22 March 2019, subject to the following conditions:
 - 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: 1:1250 Scale Location Plan; 1:500 Scale Site Plan; Boundary Treatment Plan; and 1902B 1 Revision C – Existing & Proposed Floor Plans, Elevations, Section & Roof Plan.
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
 - 4) Prior to the installation of any roof tiles on the development hereby approved, details of the proposed roof tiles shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Procedural matters

2. The planning application form describes the proposed development as 'Erection of pitched roof over existing flat roof including raise eaves height by approximately 0.75m'. The Decision Notice issued by the Council uses the

description 'Increase in height and construction of pitched roof to create additional storey'. Although the appellant has used the Council's description on the appeal form, there is no indication that the description of the proposed development was changed by agreement between the parties. The description on the planning application form accurately describes what planning permission was sought for and, consequently, I have retained that for the purposes of the appeal. I saw when I visited the site that the address used on the Decision Notice is, however, more accurate than that on the planning application form and have, therefore, used that for this decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of number 45 Sands Lane, with particular regard to outlook and enclosure.

Reasons

4. The appeal building is a two storey, flat roofed, building located to the rear of two buildings on North Marine Drive, a modern block of three storey flats known as North Bay Court, and a two storey building with a café and hot food takeaway at ground floor level and residential accommodation above. The rear wall of the appeal building is located immediately adjacent to the common boundary with a neighbouring property at number 45 Sands Lane, a two storey dwelling that has been converted into two flats. The remainder of the immediately surrounding area is residential in character and adjacent to the sea front.
5. The building has an approximately square plan form and the appeal scheme proposes to create a new gable above the existing front elevation, increase the height of the flank walls by approximately 0.75 metres and construct a hipped roof with the rear plane falling to the level of the existing rear wallhead, which would be maintained at its current height.
6. Policy ENV1 of the East Riding Local Plan Strategy Document 2016 (the Local Plan) expects, among other matters, that new development is of a high standard of design that has regard to the living conditions of the occupiers of existing or proposed properties. This aspect of the Policy is consistent with the requirements of the National Planning Policy Framework (the Framework) which also expects that new development provides a high standard of amenity for existing and future users.
7. During the site visit I had the opportunity to view the appeal site from within the upper floor flat and from the garden area at number 45 Sands Lane. I saw that although it is annotated as a bedroom on the plans that were submitted by the appellant as part of their evidence, at the time of my visit, the large rear room in the recent extension to the property was being used as a dining room/living room. From this room, the upper part of the rear wall of the appeal building is a prominent feature in oblique views from the north facing window. The addition of the proposed pitched roof to the appeal building would increase the massing of the building at high level and parts of the new roof would undoubtedly be visible from within the neighbouring upper floor flat.
8. However, the appeal proposal would not result in the existing rear wall of the appeal building being increased in height. The hipped form of the proposed

new roof would slope away from the common boundary which would reduce its perceived mass. Whilst parts of the new roof would be seen from the rear of the upper flat, the perceived increase in height over the height of the existing rear wall, combined with the degree of offset between the two buildings would not be significantly greater than experienced at present despite the proximity of the appeal building to parts of number 45 Sands Lane. Although it would be noticeable it would not, in my view, be unduly oppressive. Additionally, the proposed new roof would only affect this one window and the effect of the development on the upper flat, taking the dwelling as a whole, would not make it an unpleasant place to live.

9. From what I saw when I visited the site and from the drawings included in the appellant's Statement, there are no windows to habitable rooms in the ground floor flat at number 45 Sands Lane that would be affected by the appeal proposal, due to the configuration of the ground floor of the building and the position of the windows.
10. The appeal building is located to the north east of the neighbouring flats which have some north facing rear windows. No technical evidence in respect of daylight or sunlight has been submitted by either party. From what I saw when I visited the site, the proposed new roof may have some slight effect in terms of reduced daylight to the dining room window of the neighbouring upper floor flat but this would not be significant and this room also has a second, albeit smaller, window which would not be affected.
11. Within the garden area of the flats at number 45 Sands Lane there is an outbuilding that is a combined store and summerhouse, with the latter being in the form of a conservatory with a translucent roof and two glazed elevations facing north and west. To the east, the summerhouse is built against the rear wall of the appeal building and the south wall is formed by the adjoining store building. Due to being built up against the rear wall of the appeal building, the existing higher wall of the appeal building will currently have some effect on light received through the translucent roof of the summerhouse. I saw during the site visit, which took place in the early afternoon on a bright sunny day, that, as a result of the hipped form and pitch of the proposed roof and the relative positions of the buildings, the proposed new roof would not increase this effect.
12. The proposed roof would be visible and noticeable from within the garden area of the neighbouring flats. Nevertheless, the garden area is long, extending well past the appeal building and is open on its other boundaries, with a small public park lying to the north. The walls of the appeal building are currently a tall feature adjoining the garden area of the flats. The proposed new roof would increase the actual and perceived height of the building but, due to the size of the garden and its openness on the other boundaries, I do not find that this would be unduly oppressive or increase the degree of enclosure to the garden to such a degree that it would be harmful.
13. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of number 45 Sands Lane, with particular regard to outlook and enclosure. It would comply with the relevant requirements of Local Plan Policy ENV1 and the Framework.

Other matters

14. I have noted that the Council has not raised any concerns regarding the effect of the proposed development on the living conditions of the first floor flat at Number 1 North Marine Drive, nor has it raised concerns in respect of the effect on the character and appearance of the area. Whilst there are windows in the first floor rear elevation of Number 1 North Marine Drive positioned close to the side wall of the appeal building, this is a pre-existing situation which will not be significantly altered by the appeal proposal. The appeal building is largely screened by the existing buildings fronting North Marine Drive. Where it is visible across the public park, the proposed new works would be seen against the varied backdrop of the roof forms and rear additions to the higher buildings behind. From what I have read and from what I saw when I visited the site, I have no reason to reach a different conclusion from the Council in respect of these matters.

Conditions

15. I have had regard to the conditions that have been suggested by the Council. In order to provide clarity regarding what has been granted planning permission, I have attached a condition specifying the approved drawings.
16. In order to ensure that the proposed new works are consistent with the appearance of the surrounding area, it is necessary to impose a condition requiring that the materials used for the walls match those of the existing building. As the current building does not have a tiled roof, it is also necessary, in order to ensure consistency with the surrounding area, that the proposed roofing materials are approved by the Council prior to being installed.

Conclusion

17. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR