



Appeal Decision

Site visit made on 3 August 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/E2001/D/20/3251579

58 Link Road, Cottingham, East Riding of Yorkshire HU16 5AX

- 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 Nirmal Singh Bal against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/04141/PLF, dated 28 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is described on the application form as '1) Alterations and extensions to form two storey dwelling including two storey and single storey side extension with integral garage and first floor on footprint of existing ground floor. 2) Formulation of 2nd vehicle access to provide means of drive through in forward gear access to highway'. (sic)
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor extension with single storey extension to side and rear, creation of vehicular access and construction of detached double garage to replace existing garage at 58 Link Road, Cottingham, East Riding of Yorkshire HU16 5AX in accordance with the terms of the application Ref 19/04141/PLF, dated 28 November 2019, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The Council have described the development as 'erection of first floor extension with single storey extension to side and rear, creation of vehicular access and construction of detached double garage to replace existing garage'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
3. In the officer's committee report the Council state that the proposed new vehicular access is permitted development as Link Road is not a classified road. However, this permitted development right as per Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 only applies to the creation of a new access where that access is required in connection with development permitted by any Class under that Schedule which does not apply to the appeal scheme. Consequently, I have determined the appeal on this basis.

Main Issues

4. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of the neighbouring occupiers of nos. 56 and 60 Link Road having particular regard to matters of outlook, privacy and light.

Reasons

Character and Appearance

5. The proposal relates to the construction of a single storey side/rear extension to appeal property that would create a new kitchen/dining room, larger lounge, new dayroom, new reception room, bedroom and en-suite bathroom on the ground floor. The appeal property would also be extended upwards in order to accommodate four additional bedrooms on a newly created first floor. It is also proposed to replace the existing detached single storey garage with a new single storey double garage of a similar height which would in effect double the width of its existing footprint. The proposal also includes the construction of a new vehicular access on to Link Road.
6. The appeal property is a detached bungalow situated in the middle of a relatively large rounded corner plot with a sizeable landscaped rear/side garden and a detached single-storey garage. The orientation of the appeal property means that it is also set at an angle of approximately 45 degrees to the properties adjacent to it. The adjacent dwelling to the south (no. 60) is also a detached bungalow with a very similar design and a large rear garden. The adjacent dwelling to the west (no. 56) is a two-storey semi-detached dwelling with a ground floor extension and outbuilding to the rear. It also has a generous back garden albeit not as large as other neighbouring properties.
7. The surrounding area is predominately residential consisting of a mix of both detached/semi-detached bungalows and two-storey dwellings, all of which are set within spacious plots. The size of the plots and rear gardens together form part of an orderly and regular pattern of development which contribute positively to the area's suburban setting. Most of the properties on Link Road comprise two-storey semi-detached dwellings.
8. The appeal property is located within a large plot and the proposed development, including the extensions and the roof lift, would not detract from the overall sense of space that exists around existing properties in the wider area. I acknowledge that the proposal would raise the height of the existing dwelling on the site. However, there is a mix of both single and two-storey dwellings in the locality and hence the proposal would not look out of place in this context. It would be higher than the adjacent bungalow to the south (no. 60) but in the context of the wider setting this itself would not be harmful.
9. Whilst I acknowledge that none of the other properties on Link Road have a partially rendered external finish, the proposal would be predominately finished in red brick with only a small portion of its front elevation being rendered. Moreover, several properties in the area have a partially rendered external finish, including those at the junction of Link Road and Kingsway which can be seen in the context of the appeal site. Consequently, the proposal's design and material finish would be in-keeping with other properties in the area.

10. Policy GP2 of the Cottingham Neighbourhood Plan and Design Guide (2015) (CNPDG) requires new development proposals to have regard to the design guide contained within the Neighbourhood Plan, taking full account of the historic character of the Cottingham Conservation Area (CA) and other heritage assets within the Neighbourhood Plan area. I acknowledge that increasing the height of the existing dwelling so that it is two storeys in height would in itself not be subordinate in scale to the existing property. However, I have found above that in this regard harm would not be caused to the character and appearance of the area. In respect of the roof lift, there is therefore justification for overriding the technical conflict with policy GP2 of the CNPDG. Owing to the size, position and scale of the other proposed extensions, I am satisfied that they would be subordinate and proportionate in scale and hence would accord with policy GP2 of the CNPDG.
11. I therefore conclude that whilst there would be technical conflict with policy GP2 of the CNPDG in respect of the roof extension, the proposal in its entirety would not materially harm the character and appearance of the area. In this regard, the proposals would accord with policy GP2 of the CNPDG and Policy ENV1 of the ERLP which aim, amongst other things, to achieve high quality design and safeguard local character. It would also accord with paragraph 130 of the National Planning Policy Framework (the Framework) which aims to promote good design.

Living Conditions of neighbouring occupiers (no. 56)

12. The proposal would create additional bedrooms within first floor extension resulting in new windows on the rear (south-western) and side (north-western) elevations of the appeal property. The proposed first floor windows on the side elevation would partially face towards the side elevation of the neighbouring property no. 56 where which has several windows on the ground floor and first floor. Any harm from overlooking from the nearest first floor window on the proposed side elevation (rear bedroom) could be suitably mitigated by ensuring that it would be obscure glazed via the imposition of an appropriately worded condition.
13. I acknowledge that the proposed first floor windows on the rear elevation would allow some overlooking of the rear garden of no. 56. However, given the orientation of the properties any potential overlooking would be at an oblique angle which would be no more harmful than any existing overlooking of the rear garden from the occupiers of no. 54. Indeed, the first-floor rear windows already directly face the rear garden of no. 56.
14. In relation to outlook, whilst the proposal would increase the height of the appeal property it would not extend towards the shared boundary with no. 56. As a result, and given the orientation of the properties and the distance between them, I consider that the proposal would not cause unacceptable harm to the occupiers of no. 56 with regard to loss of outlook.

Living Conditions of neighbouring occupiers (no. 60)

15. The proposal would create a new kitchen/dining area, bedroom and en-suite bathroom within the proposed ground floor side extension resulting in new windows on the ground floor of the side (south-eastern) elevation of the appeal property. The proposed ground floor windows on the side elevation would partially face towards the side elevation of the neighbouring property no. 60 where which has several windows on the ground floor some of which have obscure glazing. Given the location of the proposal, its height and orientation in relation to the neighbouring building their respective side elevations would not directly face each other meaning that these windows would not be directly visible from the windows on the proposed side elevation. In addition, given the landscaping on the shared

boundary and the distance and orientation of the properties the proposal would also not be directly visible from the front bedroom window on the ground floor of no. 60.

16. Consequently, I consider that this in combination with the distance between the respective properties' side elevations means that the proposal would not cause any unacceptable loss of privacy in this regard. Any overlooking from the ground floor side windows closest to no. 60 (serving the proposed kitchen/dining area and en-suite bathroom) could be adequately mitigated by ensuring that they would be obscure glazed via the imposition of an appropriately worded condition.
17. I acknowledge that the proposed first floor windows on the rear elevation would allow some overlooking of the rear garden of no. 60. However, given the orientation of the properties, the distance between them and the presence of a high evergreen hedge on the shared boundary with an approximate height of 2.5 metres, overlooking would be minimal and at an oblique angle and therefore not significantly harmful.
18. In relation to outlook, given the distance between the two properties, their orientation in relation to each other, the height of the proposed side extension and the trees/shrubbery on their shared boundary, I consider that the proposal would not cause an unacceptable loss of outlook for the occupiers of no. 60. For comparable reasons, I also consider that it would not cause an unacceptable loss of light.
19. I therefore conclude that the proposal would not cause material harm to the living conditions of the occupiers of nos. 56 and 60 in respect of outlook, privacy and light. Accordingly, it would comply with policy ENV1 of the ERLP which supports development that has regard to the amenity of residential occupiers, amongst other considerations.

Other Matters

Flood risk – zone 3 and drainage

20. The appeal property is located within an area with a high flood risk. However, a Flood Risk Assessment screening form has been submitted by the Appellant in compliance with the Environment Agency's householder development flood risk screening guidance. Consequently, I am satisfied that any potential flood risk could be adequately mitigated by the imposition of a suitably worded condition to ensure that the proposed ground floor levels would not be lower than the existing ground floor levels. I also have no substantive evidence showing that any potential drainage capacity issues would result from the proposal.

Objections by Interested Parties

21. Interested parties have raised concerns in relation to highway safety, and whilst the Highway Authority have not objected to the proposal, they have recommended the imposition of two conditions relating to the standard of construction of the proposed access and the maintenance of visibility splays. As a result, I consider that any potential highway safety issues can be adequately dealt with by the imposition of suitably worded conditions.
22. Potential noise and disturbance have also been highlighted as a concern. However, given the scale of the proposal and the lack of any substantive evidence showing any previous issues or complaints in relation to noise or disturbance, I am satisfied that the proposal would not cause any unacceptable harm with regard to this matter.

23. Concerns have also been raised regarding the potential future use of the appeal property as a house in multiple occupation and also the loss of potential accommodation for elderly residents. However, given the scale and nature of the proposal and from the evidence before me, I am satisfied that the proposal would not adversely affect the current mix or balance of the local community or housing stock.
24. The potential loss of trees, that would result from the proposal has also been highlighted as a concern. However, whilst some trees would potentially be removed, I have no convincing evidence before me, such as an objection from the Council's Tree and Landscape Section to suggest that any unacceptable harm would be caused in this regard.

Conditions

25. I have undertaken some minor editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. In the interests of precision and the character and appearance of the area I have also imposed a condition requiring that the materials to be used should be those shown on an approved plan.
26. In order to protect the living conditions of the proposal's future occupiers and in order to mitigate any potential flood risk, I have imposed a condition to ensure that the proposed ground floor levels would not be lower than the existing ground floor levels. In order to protect the living conditions of the occupiers of neighbouring properties I have imposed necessary conditions requiring that some of the windows on the proposal's side elevations be obscure glazed.
27. In the interest of highway safety, I have imposed necessary conditions requiring the submission of full details of on-site parking provision and the proposed vehicular access including visibility splays/sight lines. I have also imposed a condition restricting the height of any structure or vegetation within the sightlines imposed by the previous condition. Given the details shown on the approved plans, these necessary conditions should not come as a surprise to either of the main parties.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

SCHEDULE OF 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: L642.3.19 – Proposed Elevations; L642.4.19 – Proposed Ground Floor Plan; L642.5.19 Proposed First Floor Plan; L642.6.19 – Proposed Roof Plan; Proposed Site Plan (received by local planning authority on 22 January 2020); and Proposed Location Plan (received by the local planning authority on 3 December 2019).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. L642.3.19 – Proposed Elevations.
- 4) The finished ground floor level of the development hereby permitted shall be set no lower than the existing finished ground floor level of the original dwelling.
- 5) The development hereby permitted shall not be occupied until the first floor side window serving proposed bedroom 2 at the north western side elevation has been fitted with obscured glazing, and no part of this window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) The development hereby permitted shall not be occupied until the ground floor side windows serving proposed kitchen/dining area and en-suite bathroom at the south eastern side elevation have been fitted with obscured glazing, and no part of these windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) The development hereby permitted shall not be occupied until full details for the proposed vehicular access and on-site parking provision have been submitted to and agreed in writing by the local planning authority. These details shall include visibility splays/sight lines that meet the specifications set by the local highway authority.
- 8) No shrubs, trees, other vegetation or structure shall be erected, retained, planted or allowed to grow above 1.05 metres in height within the sight lines referred to in condition 7.