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## Appeal Decision

Site visit made on 22 September 2020

**by C Coyne BA (Hons) DipTP MRTPI**

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

**Decision date: 12 November 2020**

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**Appeal Ref: APP/V2004/W/20/3255549**

**18 Westbourne Avenue, Princes Avenue, Kingston-upon-Hull HU5 3HR**

- 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 Mrs Carol Welland against the decision of Kingston-upon-Hull City Council.
  - The application Ref 20/00200/FULL, dated 17 February 2020, was refused by notice dated 15 April 2020.
  - The development proposed is Lean-to Side Return Extension comprising of an internally exposed timber frame structure, incorporating a slate roof with roof lights, weatherboard clad supporting wall and large glazed apertures to the front and rear.
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### Decision

1. The appeal is allowed and planning permission is granted for Lean-to Side Return Extension comprising of an internally exposed timber frame structure, incorporating a slate roof with roof lights, weatherboard clad supporting wall and large glazed apertures to the front and rear at 18 Westbourne Avenue, Princes Avenue, Kingston-upon-Hull HU5 3HR in accordance with the terms of the application Ref 20/00200/FULL, dated 17 February 2020, 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: Location & Site Plan (Plan no 4); Proposed Details (Revised Plan No 3); Revised Proposed Elevations & Plan (Revised Plan No 2.1).
  - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 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.

### Procedural Matters

2. The appellant has submitted additional plans as part of the appeal process, comprising a Revised Proposed Elevations & Plan (Revised Plan no 2.1) which

shows minor changes to the original planning application as submitted to the Council. Consequently, the Council and other interested parties were given an opportunity to make a comment on these further revised plans. I have therefore determined the appeal on the basis of these further revised plans and do not consider that any of the parties have been prejudiced by my doing so.

## **Main Issues**

3. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Avenues and Pearson Park Conservation Area (CA); and
- the effect of the proposed development on the living conditions of the occupiers of no. 20 Westbourne Avenue having particular regard to matters of outlook.

## **Reasons**

### *Character and Appearance*

4. The appeal property is an end of terrace three storey dwelling with a yellow-brick front façade and a two-storey rear extension with a red-brick façade. The overall design of the appeal property and the others along Westbourne Avenue is of an Edwardian/Victorian style and character. Many of the other properties on this part of Westbourne Avenue also have similar two-storey rear extensions.
5. The appeal property and the others on Westbourne Avenue have relatively long back gardens and are located within the CA. The surrounding area is predominately residential comprising dwellings of varying types and styles, all with a design complimentary to the historic context of their environs. The CA is generally characterised by tree-lined streets with grass verges containing a mixture of terraced, semi-detached and detached dwellings with long rear gardens which positively contribute to its setting and significance.
6. The proposal relates to the construction of a ground floor side extension to the existing rear extension that would have a lean-to roof with grey slate tiles also incorporating two rooflights and a zinc exterior finish primarily on its side elevation. Its inner and rear elevations would be primarily composed of large glazed panels. It would not encompass the entire length of the existing rear extension and it would also leave a gap between its side elevation and the shared boundary with no. 20 Westbourne Avenue.
7. As the proposal would not build entirely over the side return area of the appeal property and given its modern material finish, I consider that it would be a clear and discernible new addition to the building. Additionally, given its relatively small size the proposal would not extend past the rear of the existing extension and would thereby not encroach into the long rear garden. It would also appear subservient to the existing building and given its location would also not be generally visible from public vantage points or from other properties on the street.
8. Accordingly, while I acknowledge that the proposal would represent a contrast with the prevailing design and material finish of other properties in the area, I consider that it would not harmfully detract from the historic character and

design of the original building or indeed the character, appearance, setting or significance of the wider CA thereby having a neutral impact.

9. As a result, I find that the proposal would preserve the character of the CA in accordance with the aims of the National Planning Policy Framework (the Framework). I therefore conclude, on this main issue, that the proposal would be consistent with the preservation of the character of the Avenues and Pearson Park Conservation Area. Consequently, it would accord with Policies 14 and 22 of the adopted Hull Local Plan 2017 (HLP) as supported by the adopted Designing a House Extension Supplementary Planning Document (SPD) which aim to ensure that the design of new development supports the delivery of a high quality environment with regard to its relationship with the character and setting of an area and its relationship to key heritage assets, amongst other considerations.

### *Living Conditions*

10. The proposal would be located in the space between the rear of the original host property and the existing rear extension known as the 'side return' which forms a historical design feature of these type of dwellings which are often used as amenity space whilst maintaining the privacy of their occupiers and that of neighbouring occupiers.
11. The side elevation of the rear extension to no. 20 has three ground floor windows with its rear elevation having one ground floor window. There is a reasonably sized gap between these side windows and the shared boundary (a red-brick wall approximately 1.5 metres in height). The proposal would also leave a gap of approximately 1 metre between it and the shared boundary. In addition, there would be a sizeable gap between the inner elevation of the proposal and the rear elevation of the host property and that of no. 20. The proposal would also have a height to the roof eaves of approximately 2.5 metres at its closest point to the shared boundary.
12. Consequently, given the proposal's location, sloping roof and relatively low height where it would be nearest to the shared boundary, I consider that it would not cause an unacceptable loss of outlook from these neighbouring ground floor windows or create an increased sense of enclosure for the occupiers of these rooms.
13. I therefore conclude, on this main issue, that the proposed development would not unacceptably harm the living conditions of the occupiers of no. 20 Westbourne Avenue having particular regard to matters of outlook. As a result, it would accord with Policies 14 and 22 of the HLP as supported by the SPD which aim to ensure that the design of new house extensions minimise their impact on the amenity of neighbouring occupiers, amongst other considerations. It would also comply with Paragraph 127 f) of the Framework which aims to create places with a high standard of amenity for existing and future users.

### **Other Matters**

#### *Objections from Interested Parties*

14. I am aware that interested parties have raised a concern in relation to the proposal citing that it would build over the side return area and up-to the side boundary and consequently cause harm to the character of the host property

and the CA. I am also aware that they have stated that it would be better if the proposal extended the host property to the rear rather than the side. However, the proposal would not entirely infill the side return area nor would it be built right up to the shared boundary. Furthermore, if the proposal extended further to the rear it would encroach on the long rear garden and potentially harm the character, setting and significance of the CA in this respect.

15. Indeed, in their officer report the Council acknowledge that as the proposal would not be widely visible from the rear of neighbouring properties or from public vantage points within the CA and would not encroach into the main part of the rear garden that it would therefore preserve the general character of the CA. Moreover, the Council's Conservation Officer has not objected to the proposal and from the evidence before me I see no reason to disagree. As a result, I consider that would have a neutral effect on the character, appearance, setting and significance of the CA.
16. I also acknowledge that other similar proposals have been refused planning permission in the area. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In any event, I have determined this appeal on its own merits and the fact that other similar proposals have been refused planning permission is not of sufficient weight to outweigh my findings in respect of the main issues above.

#### *Flood Risk*

17. The appeal property is located within an area with a high flood risk. However, as the proposed extension would not exceed 250 square metres it would be classified as minor development in accordance 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.

#### **Conditions**

18. 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. I have also imposed a condition requiring the submission and approval of details of the proposal's external materials in the interests of the character and appearance of the area.
19. 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.

#### **Conclusion**

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

*C Coyne*

INSPECTOR