



Appeal Decision

Site Visit made on 21 December 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/B2002/W/20/3258923

9 Dene Road, Grimsby, DN32 0AL

- 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 Colin Goodwin against the decision of North East Lincolnshire Council.
 - The application Ref DM/0662/19/FUL, dated 19 July 2019, was refused by notice dated 7 August 2020.
 - The development proposed is to erect a detached dwelling and 2 integral garages (serving proposed dwelling and 9 Dene Road) with associated works including installation of photovoltaic panels, rooflights, erection of 1.8m high fence and 1.9m high wall.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether adequate outdoor amenity space would be provided for the occupiers of 9 Dene Road and (ii) the impact of the proposed development on the living conditions of the occupiers of the adjacent dwellings.

Reasons

Outdoor amenity space

3. The appeal site is physically separated from 9 Dene Road by a fence, and it is in an overgrown condition. Representations made by the appellant suggest that it has at various points been associated with properties other than No 9 and that it is held in a different title. No substantive evidence has however been provided to demonstrate the previous associations to which the appellant refers or to show the extent of land which was originally associated with No 9 when it was constructed. The plans submitted show that the appeal site edged in red is in the same ownership as No 9.
4. The proposed development would include provision for a single garage for No 9 and a hard-surfaced parking area. However, other than this there would only be a very limited area remaining to the rear of No 9 and this is currently hard surfaced. As such, the occupiers of this property would not have access to a useable area of outdoor amenity space which could be considered to be reasonably proportionate to the size of the dwelling, given that the areas to the rear and side of the property do not lend themselves to such a use due to their size and prominent positioning in the street scene.

5. Whilst I acknowledge that the appeal site is currently partitioned from No 9, based on the limited information I can draw from the existing site plan and the Design & Access Statement, it appears that it was most recently associated with No 9 and therefore could have provided outdoor amenity space for this dwelling. As both the dwelling and the appeal site remain in the same ownership, there is potential for a greater area of outdoor amenity space to be provided for No 9 as part of the proposed development. This is necessary to provide adequate amenity space for the occupiers of No 9.
6. The appellant considers that the outdoor area associated with No 9 would remain at a size that would be similar to other properties on Dene Road. However, the plan that has been submitted with the appeal to demonstrate this includes both the proposed garage and parking area that would be provided for No 9, and not an area that could reasonably be used as outdoor amenity space.
7. The appellant also points to the fact that the policies of the North East Lincolnshire Local Plan 2018 (LP) which have been identified do not specify a minimum area for the garden of a property. This being the case, I must exercise my judgement based upon the information that is before me and my own observations during my site visit.
8. For these reasons, I conclude that adequate outdoor amenity space would not be provided for the occupiers of 9 Dene Road and that consequently without this the proposal fails to accord with Policies 5 and 22 of the LP, where they seek to achieve good design in new developments and to ensure that they are of a suitable size and scale.

Living conditions

9. The proposed dwelling has been designed with consideration to the constraints of the site in which it would sit. Its highest section is positioned away from the common boundaries with 5 and 6 Weelsby Grove and its roof would also pitch away. These factors, in conjunction with the physical separation which would be achieved to these adjacent dwellings themselves, would ensure that there would be no harm to the living conditions of their occupiers through a loss of outlook and light or as a result of the proposed massing of the dwelling.
10. A lower section of the proposed dwelling would run along the common boundaries with the dwellings on Weelsby Avenue. These adjacent dwellings have long rear gardens and the proposal would not, by reason of its height and its roof which would again pitch away from the boundary, cause harm to their living conditions through a loss of outlook and light or due to its massing. The design and positioning of the proposed dwelling would also ensure that it would cause no harm to the living conditions of the occupiers of 8 or 9 Dene Road in these respects.
11. There would only be first floor windows on the front gable of the proposed dwelling. However due to their positioning and orientation in relation to the adjacent dwellings, together with their narrow design, they would allow only oblique views onto them. This would not result in harm to the living conditions of their occupiers from overlooking. A number of roof lights are proposed, however where these serve first floor accommodation they would be sited at a level where they would not allow harmful overlooking to arise onto the adjacent dwellings. Accordingly, there would be no loss of privacy with respect to adjacent dwellings.

12. For these reasons, I conclude that there would be no harm to the living conditions of the occupiers of the adjacent dwellings as a result of the proposed development. Therefore, there would be no conflict with Policy 5 of the LP where it seeks to ensure that new developments are of a suitable size and scale.

Other Matters

13. I acknowledge that no objections were made to the proposal from consultees or neighbours, however this does not justify a harmful development. I also note that the appellant has engaged in discussions with the Council during a previous withdrawn planning application and through pre-application discussions. I must however assess the merits of the scheme on the basis of the proposal that is before me.

Conclusion

14. Although I find that there would not be harm to the living conditions of the occupiers of the adjacent dwellings, the proposal would fail to provide adequate outdoor amenity space for the occupiers of 9 Dene Road and this would cause a conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR