



Appeal Decision

Site Visit made on 25 May 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/V2004/D/21/3270052

31 Park Grove, Princes Avenue, Kingston Upon Hull HU5 2UP

- 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 Miah against the decision of Hull City Council.
 - The application Ref 20/01284/FULL, dated 16 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is ground and first floor rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the site visit I was able to view the site from the garden of the appeal property and the garden of No. 33. From those vantage points I was able to see all that I needed to enable me to reach a determination of the case in conjunction with the evidence before me.

Main Issue

3. The effect of the proposal on the living conditions of neighbouring residents at 29 and 33 Park Grove.

Reasons

4. 31 Park Grove is a mid-terraced dwelling located in an area of predominantly terraced housing. I saw that the majority of dwellings on this side of Park Grove have similar two-storey outriggers. The outriggers share a party wall but are inset from the opposing boundary with the neighbouring property, resulting in a dogtooth pattern. This creates a small yard between the outrigger and neighbouring boundary, providing some outlook and natural light to windows facing towards rear gardens. The occupants of these properties would legitimately expect such levels to be accorded appropriate protection.
5. Consistent with the prevailing pattern of development, the existing outrigger of No 31 adjoins that of No 33, beyond which there is a sizeable flat roofed extension at the former and a conservatory at the latter. The single storey extension at No 31 projects a considerable distance beyond the conservatory. I saw that there is no clear boundary treatment between Nos 31 and 33, whilst there is a wall and standard height fencing between Nos 31 and 29. Similarly No 29 has a two-storey outrigger set back from the yard at No 31, aligned with the rearmost elevation of the two-storey outriggers at Nos 31 and 33. There is also a small lean-to extension to the rear of No 29. Inherent in my reasoning

above is that the massing of extensions tends to decline the further those extensions project into gardens.

6. On my site visit I saw a large two-storey extension at No 27, constructed along the boundary with No 29. This extends substantially beyond the line of the generally consistent rearmost elevations of two-storey outriggers referred to above. The planning circumstances relevant to that extension are not before me. Nonetheless, I agree with the Council that its construction will have resulted in reduced levels of outlook, daylight to No 29, beyond that which typifies the area. Furthermore, due to its position to the east, it will also have impeded some morning sunlight reaching No 29. Privacy in this location is more limited, given the intervisibility between first floor windows, including those in the outriggers, and the windows and gardens of neighbouring properties. Nevertheless, the existence of qualified living conditions does not justify their further reduction.
7. The proposal is for the construction of a first-floor extension, over the existing ground floor flat roof extension at No 31. It would project much further into the garden than the prevailing pattern of development here. The single-pitched roof proposed would align with that of the existing outrigger, resulting in a tall blank wall facing towards No 33. Given the scale and height of the extension, it would be highly dominant and imposing in views both from the garden of No 33 and within its conservatory, significantly reducing outlook. Falling to the east of No 33 the proposal would be likely to reduce the availability of natural light at that property. It would also lead to overshadowing of parts of the garden and rear windows. The living conditions of the occupants of No 33 would be materially diminished accordingly.
8. Similarly, given the atypical scale and bulk of the proposal, the living conditions of the occupants of No 29 would also be adversely affected, albeit to a more limited degree given the separation between the two properties. I have noted above how the extension at No 27 has already had some effect on the living conditions from which the occupants of No 29 benefit. The proposal would exacerbate an adverse sense of enclosure. The Council refer to a 'tunnelling' effect, which aptly describes the likely effect of the development. I accept that the Council permitted the extension at No 27, and understandably the appellant feels as if he should be able to undertake similar development in the interests of fairness. However, I do not have full details of the circumstances in that case, for example pre-existing development, permissions or the relevant policy context that applied at that time. I have, and must, determine this appeal on its merits, based on the site-specific circumstances of the case.
9. For the above reasons I conclude that the proposal would result in an adverse effect to the living conditions of the occupants of No 29 and No 33 Park Grove in conflict with policies 14 and 22 of the Hull Local Plan (adopted 2017) and paragraph 127 of the National Planning Policy Framework which, in summary and amongst other things, seek to provide high standards of design with regard to living conditions. The proposal would also conflict with the guidance contained within the Hull Supplementary Planning Document SPD1: Designing a House Extension which advises that extensions should not over dominate or overshadow neighbouring dwellings and should seek to avoid a 'tunnelling effect'.

Other Matters

10. Whilst I understand that the appellant feels like the Council did not do enough to engage with him in working towards an acceptable scheme, the encouragement in the Framework to proactive working does not go so far as to suggest that every scheme may be acceptable. Moreover, those are procedural matters which do not bear on the merits of the scheme.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR