



Appeal Decision

Site visit made on 14 December 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Appeal Ref: APP/V2004/D/21/3279723

18 Newland Park, Kingston upon Hull HU5 2DW

- 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 Saleem Hakim of Keg Stop NE Ltd against the decision of Hull City Council.
 - The application Ref 21/00828/FULL, dated 31 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 18 Newland Park, Kingston upon Hull HU5 2DW in accordance with the terms of the application, Ref 21/00828/FULL, dated 31 May 2021, 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: 21.3160-03 rev C; 21.3160-04 rev B; 21.3160-05 rev B; 21.3160-12; 21.3160-13; 21.3160-14 rev C; 21.3160-15 rev D; 21.3160-16 rev E.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 21.3160-16 rev E.
 - 4) The finished ground floor level of the development hereby permitted shall be no lower than the finished ground floor level of the existing dwelling.

Applications for costs

2. An application for costs was made by Mr Saleem Hakim of Keg Stop NE Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. As this appeal relates to development proposed within a conservation area, I have approached the appeal mindful of the provisions of sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are the effects of the proposed development on:
- the character and appearance of the host building and the Newland Park Conservation Area; and
 - the living conditions of occupiers of 20 Newland Park, with particular regard to outlook and sunlight.

Reasons

Character and Appearance

5. The appeal property is a semi-detached two storey dwelling constructed from red brick with a slate roof which sits within a sizeable plot. It is located within the Newland Park Conservation Area (NPCA). A single storey flat roof rear extension was granted permission in April 2021 and is under construction. The proposed development would comprise a two storey brick built flat roof extension to the rear that would incorporate the single storey extension.
6. The NPCA comprises a late Victorian planned development laid out in the late 19th century, based on a street layout in the form of a distorted figure of eight. The land was divided into large plots for sale. Take up of the plots was slow and so much of the development dates from the early 20th century. There is considerable variety in terms of the architecture of the buildings, reflecting how the area has developed over time. The materials used are also mixed, with render and brick apparent within many of the properties.
7. The significance of the NPCA in so far as it relates to this appeal is primarily associated with the layout of the houses, their grand frontages and the variety of the house designs. The property, which was originally a single dwelling with no. 20, was one of the earlier properties to be constructed on Newland Park and makes a positive contribution to the character and appearance of the NPCA.
8. The property has a substantial later addition to the side which facilitated the subdivision of the property into two separate houses. This is set back from and with a lower roof height than the original building, which has resulted in quite a complicated roof arrangement. The proposed flat roof would not interfere with the roof pattern or make it more complex and would help ensure that the proposed development is subordinate to the host building. It would not therefore appear as an incongruous feature.
9. The proposed extension would be in keeping with the host building in terms of materials and detailing. Given its location to the rear, the proposed development would not affect the more grand and public facing front elevation. The location, scale, design and materials proposed for the extension mean that it would complement the host building and would sit comfortably with it without over dominating it or detracting from its character and appearance. The host building would continue to make a positive contribution to the NPCA.
10. The significance of a conservation area is dependent upon how it is experienced. As such, proposals should be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence.

11. The proposed development would be visible from the rear gardens and a number of rear facing windows of the properties in the immediate vicinity. It would not generally be visible from public vantage points on Newland Park due to its location to the rear of the property and the screening effect of the substantial boundary treatment. There would be glimpsed views of the proposed development mainly through large trees from a very limited number of public vantage points on Cottingham Road along the northern boundary of the NPCA. However, due to the proposed flat roof and the scale and materials proposed, it would not be imposing in these views and there would be no discernible change in the character or appearance of the NPCA when viewed from this area.
12. Given the above, the proposed development would preserve the character and appearance of the NPCA as a whole. The significance of this designated heritage asset would therefore not be harmed.
13. The proposed development would not harm the character and appearance of the host building or the NPCA. Accordingly, it would accord with Policy 14 of the Hull Local Plan 2016 to 2032, adopted 2017 (the Local Plan). This policy requires development to demonstrate how its design supports the delivery of a high-quality environment, with particular regard to a number of considerations including character, setting and relationship to key heritage assets, scale, detailing and materials. It would also accord with Policy 16 of the Local Plan which supports development that preserves and/or enhances the significance and setting of the city's heritage assets.

Living Conditions

14. The two storey component of the proposed extension would be visible in views from the rear garden of 20 Newland Park. However, the effect of the proposal would be tempered by its flat roof, the offset distance from no. 20 including from any habitable room windows, and the screening effect of the rear extension at no. 20 and the boundary treatment. These factors would ensure that the sense of enclosure for occupants of no. 20 would be limited, and the proposed rear extension would not dominate the outlook for occupiers from the rear windows or garden of this adjoining property.
15. Consequently, the proposed development would not result in an unacceptable overbearing or enclosing effect for occupiers of no. 20 and no significant harm to outlook would be caused.
16. The proposed extension would sit on the northern elevation of the property. Given its height, there would be potential for some limited overshadowing of no. 20 at certain times of the morning. However, there would be a reasonable separation distance between the two storey component and the boundary with no. 20 in particular any habitable rooms. In addition, no. 20 has a relatively large rear garden, much of which would remain unaffected by any potential overshadowing for the majority of the day. Furthermore, no. 20 has a single storey extension on the boundary with no. 18 and there is boundary planting, both of which will currently provide a degree of overshadowing in the morning.
17. Accordingly, any additional overshadowing that may be caused by the proposed development would not be excessive. It would not therefore have an unacceptable effect on the living conditions of occupiers of no. 20 due to a loss of sunlight.

18. The proposed development would not harm the living conditions of occupiers of 20 Newland Park with particular regard to outlook and sunlight. It would therefore accord with Policy 22 of the Local Plan which requires the design of house extensions to minimise their impact on the amenity of neighbouring occupiers, to not over-dominate or unduly enclose neighbouring properties and to minimise the impact of overshadowing.

Other Matters

19. Based on the information before me, the proposed development would not include a change of use to a house in multiple occupation or a secondary access, or the removal of any trees. If these were to be proposed, they would be considered on their own merits at that point in time.

Conditions

20. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
21. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
22. The Council suggested a condition requiring the submission for approval of all external materials prior to commencement of any works above damp-proof course level. The requirement for prior approval of the materials is not necessary given the detail provided within the approved plans. However, a condition requiring the use of matching materials would be reasonable and necessary in the interests of the character and appearance of the area, including the NPCA, and in line with Policies 14 and 16 of the Local Plan.
23. Furthermore, a condition requiring that the finished ground floor levels are no lower than those of the property is necessary to reduce the risk of flooding in line with Policy 40 of the Local Plan.

Conclusion

24. 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 succeed.

F Wilkinson

INSPECTOR