



Appeal Decision

Site visit made on 1 February 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/B2002/D/21/3284982

18 Lytham Drive, Waltham, Grimsby DN37 0DG

- 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 David Blair against the decision of North East Lincolnshire Council.
 - The application Ref DM/0617/21/FUL, dated 17 June 2021, was refused by notice dated 12 August 2021.
 - The development proposed is a front extension, single store (sic) side extension with new dormer.
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Decision

1. The appeal is allowed and planning permission is granted to erect extension to front to include first floor rooms in roof space, erect single storey side extension and installation of a dormer to side at 18 Lytham Drive, Grimsby DN37 0DG in accordance with the terms of application Ref DM/0617/21/FUL, dated 17 June 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 subject to the requirements of the additional conditions of this permission: SK101, SK104 Rev D, SK105 Rev J, SK108 Rev A and SK109.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The window to be created in the first-floor side elevations of the dormer to serve the bathroom hereby approved shall be glazed in obscure glass only to an obscurity level of 3 or above as measured on the 'Pilkington Scale' and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. The Council have used the alternative description of 'erect extension to front to include first floor rooms in roof space, erect single storey store to side, convert existing roof space and installation dormer to side with various alterations (Amended plans to revise dormer material from timber cladding to hanging tiles and include timber cladding to front gable end)'. I

have used the above description in my decision as a more accurate reflection of the proposed development. However, I have removed superfluous elements. It does not change the development for which planning permission was sought and on which relevant parties were consulted.

3. During the course of the Council's consideration of the planning application amended plans were provided by the appellant. These altered some proposed external materials and the location of a bedroom window. These were the plans on which the Council made its decision. I have proceeded on the same basis.
4. The officer recommendation to the North East Lincolnshire Planning Committee was that conditional planning permission should be granted for the proposed development. The committee duly considered the proposal and refused planning permission. In addition to the Council's Decision Notice, I have had regard to the committee meeting minutes to inform the main issues.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the locality and the living conditions of neighbouring residents at 19 Lytham Drive with particular regard to light and outlook.

Reasons

Character and appearance

6. The site lies close to a turning loop at the head of a residential cul-de-sac of detached bungalows. The dwellings are set behind enclosed front gardens with private amenity spaces to the rear. The buildings in the road are regularly spaced by side driveways and consist of a limited number of designs with similar overall heights and a restrained palette of external materials. Despite some alterations and extensions, this results in a strong identity and consistent character to the locality which creates a positive sense of place.
7. The proposals include a front extension of the main building which would continue the existing eaves and ridge line to a point slightly forward of a side garage attached to 19 Lytham Drive. The front elevation would contain 3 window openings and cladding to the gable above the ground floor level. A dormer roof extension is proposed on the western roof slope with an obscure-glazed window to the main face and a forward-facing window in the front cheek. Additionally, a flat-roofed side extension to the eastern side of the building on part of a side driveway is proposed. This would adjoin an existing flat-roofed element located to the side and rear of the main accommodation and extend forward to an alignment close to the front elevation of the neighbouring property at 17 Lytham Drive.
8. The building is located at the start of the turning loop such that it is staggered between the neighbouring bungalows. In comparison to other plots on the Drive, the building is set a significant distance back from the highway. The proposed front extension would bring the forward elevation in a consistent diagonal alignment between the neighbouring buildings at Nos 17 and 19. This would ensure that it would not appear unduly prominent in the existing layout of development about the turning loop.
9. However, the scale of the dormer extension, which would cover a large part of the roof slope between the ridge and eaves lines, would appear cumbersome.

The large scale and prominent forward face of the front cheek would contrast with other examples of dormer extensions on the street. These benefit from more modest dimensions and are either set down from the ridge or up from the eaves, or both, to create less imposing, subordinate forms of extension that are more commensurate with the scale of the buildings.

10. The height and alignment of the dormer close to the roof verge and the position alongside the gabled roof of the neighbouring garage, would substantially close the characteristic gapping between the buildings on the street. The large box appearance would contrast significantly with the predominant gabled and hipped roof forms. This would appear prominent against the characteristic forms, spacing and scale of development in the road.
11. In support of the proposal the appellant has referred me to examples of other large dormers that are present behind the site at 8 and 9 Elsham Drive. However, these are located on the rear roof slopes of those buildings which lie parallel to the turning circle of that cul-de-sac. Furthermore, those properties enjoy greater spacing such that the effect on the Elsham Drive street scene is limited. An example of a front dormer elsewhere on Elsham Drive is more limited in scale and set up from the eaves line, as other examples are. They are not therefore compelling reasons to support a development that would cause harm in the Lytham Drive street scene.
12. The submitted plans and planning application form indicate that the external walls would be finished in render. However, a render finish would contrast starkly with the characteristic facing materials consistently used in the road. Whilst I acknowledge that there are variations between the colour of brickwork and tiles on the drive, and that some examples of render panels and individual properties finished in render exist elsewhere, the use of render would cause the building to be conspicuous by its contrasting appearance. However, consistent with Paragraph 54 of the National Planning Policy Framework (the Framework), a condition requiring matching external finishes could be imposed to address that concern.
13. The single-storey side extension would be set back from the proposed position of the front elevation. Taken with the withdrawn position of the dwelling behind the main building line and the low overall height of the extension, it would appear recessive and subordinate in the Lytham Drive street scene.
14. Notwithstanding my findings in respect of the front extension, side extension and proposed external materials, these matters do not outweigh the significant harm that would arise to the character and appearance of the locality and the Lytham Drive street scene caused by the scale and appearance of the proposed dormer extension. Accordingly, I find the dormer extension would conflict with Policies 5 and 22 of the LP as it requires high standards of design which are informed by the particular built characteristics of the site's context and with regard to its effects on visual intrusion.

Living conditions

15. The proposed position of the dormer would lie a short distance from the common boundary with No19. About half of its length would lie behind the rear elevation of the neighbour's garage where a lean-to canopy with a translucent roof has been erected over part of a rear patio area. The dormer would cause some overshadowing in summer months once the sun has broken over the

ridgeline of the appeal building. However, this would be for a limited mid-morning period only and merely affect a small part of the rear garden area of No19. It would not, therefore, cause significant harm to the living conditions of those occupiers through overshadowing.

16. However, the tall vertical face of the dormer and close proximity to the common boundary with No19 would cause it to be a dominant feature in the outward views. This would be from both within the neighbouring garden area and a conservatory to the rear of the dwelling. It would loom large over the nearest part of the garden and, in the context of an area substantially consisting of single storey development, would appear overbearing to the occupiers of the neighbouring property such that their living conditions would be adversely affected by the dormer.
17. The front extension would lengthen the building to a short distance beyond the front elevation of the neighbouring garage at No19. It would substantially overlap with a side-facing window serving a small habitable room in the adjacent property. The extension would be visible in the outlook from the neighbouring room; however, this would be limited to the upper part of the wall above the boundary fence and the roof pitching away.
18. Due to the intervening distance, sky views and views beyond the front face of the extension would still be available from within the neighbour's room. Accordingly, I find the effect on outlook would not be so great as to cause material harm to the living conditions of the neighbouring occupiers through poor outlook.
19. The position and orientation of the neighbour's side window is such that direct sunlight would mostly occur in the early morning before shadowing caused by the existing appeal building and a gabled roof to the neighbours' garage would prevent it. In the warmer months, when the sun is higher, some limited additional direct sunlight may reach the window later in the morning. I have little doubt that the proposed front extension would cause some additional loss of direct sunlight to the window. However, the periods of time during which that might occur would be very limited and such that any effect on living conditions would be minor. Furthermore, due to intervening distances, any effects on ambient daylight levels reaching the window would be negligible.
20. For the above reasons, whilst I find that the effects on sunlight and daylight of the proposals at the site and the outlook from a neighbouring window would not be material, the effects of the dormer on outlook at the rear of the property would cause significant harm to the living conditions of neighbouring occupiers. It would thereby conflict with Policy 5 of the LP as it requires regard be had to the effect on neighbouring land uses including by reason of visual intrusion.

Other Matters

21. In support of the dormer, the appellant refers to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This is a matter that was acknowledged by the Council Members and officer. Although the exact dormer proposal was considered to lie beyond the scope of the GPDO provisions on account of the clear glazing of the front window and a potential discrepancy of 100mm from the position of the existing eaves line, there is little to suggest that a very similar development could not be completed without recourse to a planning application.

22. The appellant highlights that the proposal seeks to improve the wellbeing of 3 young children and enhance the quality of life of the family as a whole. Accordingly, I have little doubt that pursuant to my finding that the dormer is the only contentious element of the proposals, the appellant would exercise his right to implement a similar development under the terms of the GPDO. I am also mindful that this could be designed and/or positioned in a manner which would exacerbate the identified effects on outlook and/or the street scene.
23. I also note the other matters of concern raised by Council Members and third parties, and a letter of support for the proposals. A side-facing window in the dormer extension is proposed utilising obscure glazing to protect the neighbours' privacy. This could be secured through a planning condition. Other windows are positioned to address the front garden area of the property and would be at distances from nearby residential buildings typical of an estate setting such that no undue loss of privacy would arise from them.
24. The scheme would retain provision for off-road parking in a manner similar to other existing properties. This would limit pressure for on-street parking. Although no new landscaping is proposed as part of the scheme, the existing site benefits from landscaped gardens front and rear.

Planning Balance

25. I have found that the dormer element of the proposals would result in an overbearing form of development and appear incongruous in the Lytham Drive street scene. It would conflict with Policies 5 and 22 of the LP. However, it is a well-established principle that the provisions of the GPDO may provide a fallback position. I have also found that there is a real prospect of a development under the GPDO taking place and that it would lead to a similar or potentially worse outcome. I therefore find that a strong justification in the context of Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 exists and provides clear justification for departing from the development plan in the particular circumstances of the case.

Conditions

26. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
27. A condition specifying materials to match the existing building is necessary to protect the character and appearance of locality. To protect the privacy of neighbouring residents, a condition requiring obscure glazing to the side-facing window of the dormer is necessary and reasonable.

Conclusion

28. For the reasons above, the appeal should be allowed.

R Hitchcock INSPECTOR