
Appeal Decision

Site visit made on 26 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/V2004/D/22/3300542

25 Ancaster Avenue, Kingston upon Hull HU5 4QP

- 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 Jason Smith against the decision of Kingston upon Hull City Council.
 - The application Ref 22/00132/FULL, dated 7 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is the erection of extensions, loft conversion, dormer and alterations.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 23 and 27 Ancaster Avenue with particular regard to privacy and outlook, and additionally in relation to No 27, light and sense of enclosure.

Reasons

Character and appearance

3. The appeal property is a mainly 2-storey end terrace house in a predominantly residential area. Residential terraces predominate along Ancaster Avenue, which are irregularly spaced apart with some orientated differently to the road than others, and with end properties that mostly have hipped roofs. As such, there is some variety to the existing built form within the local area.
4. At roof level, the ridge of the main house is to be raised together with a hip to gable alteration and a new dormer placed onto the extended rear roof slope of No 25. The latter would be a sizeable addition covering most of the existing and new rear roof slope. The considerable width and height of the proposed dormer, with its flat roof set just below the new ridge level, would cause it to appear as an overly large 'box like' addition. It could not reasonably be described as subordinate to the main house. Consequently, this element of the appeal scheme would conflict with the guidance in the Council's SPD1, *Designing A House Extension* (SPD1). That the rear elevation of the new dormer would be rendered with an off-white finish, in sharp contrast to the darker tiles on the main roof, would visually accentuate its presence.

5. When seen from the rears of nearby properties, new dormer would draw the eye because it would give the completed building an awkward top-heavy appearance. Although I saw sizeable rear dormers on other properties in the local area including a dwelling in the adjacent terrace to the site, these largely exemplify the identified harm and do not justify further intrusive development.
6. A new flank wall incorporating a gable would be introduced close to the shared boundary with the neighbouring terrace. While the existing side projection of No 25 establishes a built form at ground floor level in a similar position, the proposal would reduce the gap at first floor level between these adjacent buildings by introducing additional built form. With just a narrow passageway separating the tall and substantial sidewalls of the finished dwelling and the adjacent terrace, these buildings would appear from the road to be unusually cramped in terms of layout due to the limited gap between them.
7. The first-floor side extension would also result in a larger property with an extended front elevation to the road. Its 2-storey width coupled with the set back at 1st floor level from the main front wall and a raised ridgeline would markedly contrast with the modest width, proportions and the consistent ridgeline of properties in the rest of the host terrace. In addition, the new gable end would noticeably differ to the predominantly hipped roof form that characterises terraces along Ancaster Avenue. Taken together, I consider that these features would cause the proposed development to be obtrusive and an unwelcome addition to the street scene and the local area even among the varied built form within them.
8. Some properties within the wider area have been extended and externally altered as the appellant points out, including the raised ridgeline at 160 Bricknell Avenue. However, none of the properties with extensions were of a comparable size, scale and design to that proposed nor do they occupy the same street scene as the site. Therefore, these cases do not weigh in support of the appellant's case.
9. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies 14 and 22 of the Hull Local Plan 2016 to 2032 (LP) and the guidance within SPD1. These policies and guidance aim to ensure that house extensions and alterations relate well to the existing building, respect the context of the surrounding area, and demonstrate how they support the delivery of a high-quality environment. It is also at odds with the policies of the National Planning Policy Framework (the Framework), which state that development should be sympathetic to local character and add to the overall qualities of an area.

Living conditions

10. The elevated position of the new rear dormer would allow greater overlooking of the back gardens of Nos 23 and 27 than would be possible from the existing first floor rear windows of the appeal dwelling. In my experience, some overlooking is a common characteristic of the relationship between properties within main built-up areas. However, in this instance, views from the new dormer windows towards the rear outdoor space of the adjacent gardens would be from a high level and at reasonably close range.

11. From my site inspection, I am persuaded that the additional overlooking possible from the new dormer would significantly diminish the value of the rear gardens of Nos 23 and 27 to their occupiers due to an unacceptable loss of privacy. As the new dormer windows are also likely to be evident from the rears of Nos 23 and 27, their presence would also unduly heighten a perception of being overlooked.
12. The proposal would draw the side elevation of the appeal dwelling nearer to the side windows of No 27, which already directly face the 2-storey flank wall of the appeal property, albeit at a greater distance. Given the close relationship between Nos 25 and 27 standing side-by-side in close proximity, the outlook from and the natural light to the side windows of No 27 would not significantly change if the proposal were to come forward. While the new extensions and the side of the new dormer would further enclose the space between Nos 25 and 27, there is already a narrow gap between these adjacent terraces and the proposal would not significantly worsen the 'tunnelling effect' as it would be experienced between these buildings. Parts of the new side and rear extensions and the new dormer would be visible from the rear gardens of Nos 23 and 27 although such views would generally be in the context of the more substantial built form of the host building and the wider terrace.
13. To sum up, the proposal would be close to and visible from the properties on each side of the site. However, neither the scale, height nor position of the appeal scheme would cause it to dominate nor overbear on the occupiers of Nos 23 and 27. It would not appreciably reduce the natural light reaching the side windows of No 27 nor significantly increase a sense of enclosure as experienced by the occupiers of this adjacent property.
14. Nevertheless, I conclude on the second main issue that the proposed development would unacceptably harm the living conditions of the occupiers of Nos 23 and 27 due to an unacceptable loss of privacy. Accordingly, it is contrary to LP Policies 14 and 22 and the guidance within SPD1 insofar as they aim to safeguard residential amenity. It is also at odds with the Framework, which seeks to ensure that development creates places with a high standard of amenity for existing and future users.
15. In reaching this finding, I note that the occupiers of Nos 23 and 27 have not objected to the proposal. However, my assessment considers the future as well as the current occupiers of these adjacent properties.
16. Once complete, the proposal would provide valuable additional accommodation for the appellant and his family. I am sympathetic to the personal circumstances of the appellant. However, this consideration does not outweigh the significant harm that I have identified in relation to the main issues.

Conclusion

17. For the reasons set out above, and considering all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR