



Appeal Decision

Site visit made on 1 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/B2002/W/22/3298941

Flat 5 – Rear of 11 Rowston Street, Cleethorpes DN35 8QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Daniel Ramsden against the decision of North East Lincolnshire Council.
 - The application Ref DM/0038/22/FUL, dated 11 January 2022, was refused by notice dated 31 March 2022.
 - The development proposed is alterations to flat 5, rear of 11 Rowston Street to add additional storey, reclad building with red and vertical board and create new entrance/windows onto Brooklands Avenue with alterations and erection of boundary treatments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the decision notice includes for the removal of an existing container, and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of the occupiers of adjacent properties, in relation to outlook, privacy and daylight/sunlight.

Reasons

Character and appearance

4. The appeal site is located within a residential setting to the rear of an existing end-terraced property. The proposed development would front onto Brooklands Avenue which is a very unique and distinctive area as a result of its style, form and arrangement of dwellings. Whilst the properties vary in height, form and roof shape, the properties largely retain their original character which is that of a traditional appearance with a broadly consistent materials pallet. As a result of the distinctive form and character, Brooklands Avenue is read differently from adjacent streets including Segmere Street despite its close proximity.
5. The existing property is modest in size with a simple appearance and is well shielded from views along Brooklands Avenue given the single storey element

and timber fence. Whilst the property has a simplistic appearance, this results in it being relatively discrete, and the proposed development would introduce an additional storey at first floor level which would have a totally modern/contemporary approach in its finish, form and design including materials which would be at odds with/jar with the more simplistic form and features of the host property and character of the area.

6. The dwelling would be highly visible when viewed from Brooklands Avenue including approaching the site along that road as well as approaches from Segmere Street as a result of its increase in height. This, together with the proposed finish, form and design including materials would result in the property appearing overly prominent in comparison to other properties and would be a stark contrast to the more traditional character. A condition relating to the type and final colour of the proposed boarding as suggested would not sufficiently mitigate against such harm nor would further landscaping as it would still introduce a design at odds with the traditional appearance of other properties along Brooklands Avenue.
7. The character of Segmere Street and its contribution to the area is not comparable to Brooklands Avenue as referred to above given its overall distinctive form and character. Therefore, the other scheme referred to is not directly comparable to the one before me.
8. Although a previous permission for 2 dwellings at the site included 2 storey properties, the design and materials more closely reflected the surrounding properties. Therefore, that scheme is materially different to the one before me.
9. I conclude that the proposed development would unacceptably harm the character and appearance of the area. As such, it would be contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan which together, amongst other things, seek to ensure a thorough consideration has been had to a sites context as well as protecting and enhancing character and local distinctiveness. The proposed development would also be contrary to chapter 12 of the National Planning Policy Framework relating to achieving well-designed places.

Living conditions

10. Whilst the appeal site would be visible from adjacent properties, particularly from No. 13C Rowston Street, this would be at an angle given the position of the property and its windows with wide outlook still retained and thus would not cause an unacceptable overbearing impact. The windows located within the rear elevation of the host property No.11 which has been converted into 4 flats would allow for only partial views given the overall position of the property. Such limited views coupled with the separation distance would again not cause an overbearing impact.
11. Two of the proposed rear first floor windows would be obscure glazed serving bathrooms. Given the angle of the proposed bedroom window there would only be angled views towards neighbouring properties and their amenity space.
12. The area between the appeal site and neighbouring properties is the only outdoor amenity space serving these units. However, this area is already overlooked by windows on the existing building. Additionally, windows at No. 13C as well as the flats to the front already face onto this space. The proposed development would not therefore unacceptably increase levels of overlooking

over and above the existing situation or what can be reasonably expected within a residential area. The obscure glazing element and angled position of the proposed window at first floor level would also minimise levels of overlooking.

13. Whilst I am unable to control the existing situation in regard to daylight and sunlight, I am content that the proposed development would not result in an unacceptable harm over and above the existing situation given the overall distance between properties and height and width of the proposed development. There is also no clear evidence to the contrary of the findings of the shadow study complete which I have considered. Consequently, I consider that overall, existing occupiers would not be unduly harmed by daylight and sunlight.
14. I conclude that the proposed development would not harm the living conditions of the occupiers of adjacent properties in relation to outlook, privacy and daylight/sunlight. As such, it would accord with Policy 5 of the North East Lincolnshire Local Plan which, amongst other things, seek to protect neighbouring land uses from visual intrusion.

Other matters

15. There have been no technical objections raised from a number of statutory consultees and the site is located in an accessible location. However, such factors would not be sufficient to outweigh the harm identified taking into account the character and appearance of the area.

Conclusion

16. Although the development does not harm the living conditions of adjacent properties, the proposed development would harm the character and appearance of the surrounding area and would therefore conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR