



Appeal Decision

Site visit made on 27 June 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2023

Appeal Ref: APP/E2001/W/23/3316547

290 Grovehill Road, Beverley HU17 0JE

- 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 Simon Davison of DG Design Associates against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/03637/PLF, dated 27 September 2021, was refused by notice dated 8 November 2022.
 - The development proposed is loft conversion with rear dormer window. Extend 1st floor over rear ground floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area; and the living conditions of residents of 288 and 292 Grovehill Road with regard to privacy, outlook and light.

Reasons

Character and Appearance

3. The 2021 National Planning Policy Framework (the Framework) seeks to ensure that new development is of a high design quality which would add to the overall quality of an area, is visually attractive as a result of good architecture, and is sympathetic to local character and the surrounding built environment. The Framework is also clear that permission should be refused for development that is not well designed.
4. Policy ENV1 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLPSD) is reflective of this approach. Amongst other matters, the policy requires that development should be of a high quality design through having regard to the specific characteristics of the site's wider context and the character of the surrounding area and being of an appropriate scale, density, massing, height and material, amongst other matters.
5. The proposed development would not be visible from the front of the property along Grovehill Road. It would be visible in glimpsed views from a point near the start of Conington Avenue along the rear access to the properties fronting onto Grovehill Road and from properties to the rear. However, the absence of extensive public visibility does not in itself obviate the need to achieve well designed places.

6. The dormer would take up virtually the full width of the rear roof plane and would extend almost up to the ridge point of the front facing roof slope. It would therefore occupy much of the rear roof plane. Together with the new roof form that would be created through the proposed extension which would run across almost the full width of the property, the resultant building would be seen as dominant and out of proportion. The proposed screening for the roof terrace would have a solid appearance and this would have the effect of exacerbating what would become an overall dominating and bulky building when seen from the rear and from some neighbouring properties. The spiral staircase would be seen mainly against the backdrop of the existing extension or boundary features and so would not unduly contribute to this effect.
7. I appreciate that the scale of the proposal has been reduced through the application process. When taken individually, the various components of the proposal may not result in unacceptable development. However, when taken together, they would represent a disproportionate addition to the host property and would result in an incongruous development. Even if matching materials are used, this would not adequately mitigate the harm caused.
8. The appellant states that there are three large scale extensions nearby and multiple flat roof balconies within the area. However, no details are provided. I cannot therefore consider whether these would be analogous to the appeal proposal. I did observe a number of properties in the vicinity that have been extended including two through roof dormers. However, these extensions are not of the same scale as the proposed development when considered as a whole and I do not know the circumstances that led to their construction. In any event, I have evaluated this appeal on its individual planning merits.
9. For the reasons stated above, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. It would therefore conflict with the requirements of Policy ENV1 of the ERLPSD as summarised above and the design objectives in paragraph 130 b) and c) of the Framework and parts C1, I1, I2, B2 and H2 of the National Design Guide.

Living Conditions

10. Screening is proposed around the roof terrace. Notwithstanding this, views would be afforded of the first floor windows in the rear elevation of the flats at 288 and 292 Grovehill Road in close proximity from the rear of the proposed roof terrace both when in use and when used as a means of access to the property.
11. The roof terrace would be large enough to support activities such as sitting or eating out and other social use of the space irrespective of whether it is occupied as family accommodation or by other age groups. It would therefore extend the living space of the accommodation and would enable occupants to linger on it. While some degree of mutual overlooking may be expected in built up areas such as this, given the likelihood of a more prolonged and social use of the roof terrace, the effect of overlooking would be significantly more intrusive than from views from windows.
12. The proposed roof terrace would therefore have an unduly intrusive effect on occupiers of nos. 288 and 292, and a reasonable visual privacy would not be maintained. The separation distance and/or oblique nature of views towards other properties mean that an unacceptable loss of privacy would not occur.

13. The Council's Design Guidance for House Extensions advises that a two-storey rear extension will normally be acceptable provided that it does not project more than 1.5 metres behind the rear wall of the neighbouring property. If the extension is set away from the boundary this projection may be increased, usually by the distance it is from the boundary. Based on this guidance, the Council calculates that the allowable projection would be 1.8 metres, on the basis of the proposed set away distance of 0.3 metres from the shared boundaries with the adjoining properties. The proposed extension would project around two metres.
14. The projection of the rear extension may not comply with Council recommendations. However, this should be considered against the facts on the ground.
15. A first floor window in the rear elevation of no. 288 which appears to serve a habitable room is closest to the shared boundary. However, it is set in from it. Given the location of this neighbouring window and its otherwise open outlook, I do not consider that occupants would suffer from the proposed rear extension appearing enclosing or overbearing, such that it would significantly harm their living conditions. There may be some reduced light levels into this window as a consequence of the proposed rear extension at certain times of the day. However, it would not be so severe as to render the proposed rear extension detrimentally harmful to the living conditions of occupants when in this room.
16. However, the screening for the roof terrace would project beyond the proposed extension at a height of around 1.8 metres for part of its length and would appear as a solid feature. The proposed extension and the screen would combine to result in a dominant and overbearing feature when seen from the nearest first floor window of no. 288.
17. The nearest first floor window of 292 Grovehill Road is obscured glazed, with the Council's evidence indicating that it serves a bathroom. My attention has not been drawn to any definitions used by the Council, but in my experience, bathrooms are not normally considered to be habitable rooms. The other first floor window in the rear of no. 292 appears to serve a habitable room. While the proposed wall of the rear extension and the privacy screening around the roof terrace would be in vision when looking out of this window, they would be sufficiently separated from it to avoid any undue sense of enclosure or loss of light for the occupants of no. 292.
18. The properties at 288 and 292 Grovehill Road have a small rear outdoor amenity space. The rear amenity area of no. 292 is already noticeably enclosed by the existing extensions to the rear of the host property and no. 292. The rear amenity area of no. 288 is less affected. Given the projection of the proposed rear extension, it would not have an unduly dominating or enclosing effect or result in a loss of light such that occupiers' enjoyment of the outdoor amenity space at no. 288 would be significantly harmed. However, the cumulative length of the extension with the roof terrace screening, at the height proposed, would make the space gloomier and increase the sense of enclosure.
19. Pulling these points on living conditions together, I find that there would be harm in relation to the living conditions of occupiers of 288 and 292 Grovehill Road with regard to a loss of privacy due to the roof terrace, and a loss of

outlook and light for occupiers of no. 288 due to the combined effect of the proposed rear extension and roof terrace screening.

20. I therefore conclude that the proposal would have an unacceptably harmful effect on the living conditions of residents of 288 and 292 Grovehill Road with regard to privacy, outlook and light. As such, the proposal would conflict with the residential amenity requirements of Policy ENV1 of the ERLPSD, paragraph 130 f) of the Framework and part H1 of the National Design Guide.

Other Matters

21. The proposal would make use of an existing property and improve its condition, and this is a matter to which I afford positive weight. The accommodation would provide some outdoor amenity space for future occupiers which is a benefit that I also afford positive weight.
22. I note the appellant's contention that the design would utilise natural light and so would improve the occupiers' carbon footprint. A more energy efficient building would have some benefits but there is limited evidence before me to the degree that the proposal would contribute to energy efficiency.
23. There is no clear evidence to suggest that anti-social behaviour or fly tipping are particular issues in the area to the rear of the appeal property. Consequently, while the roof terrace may provide an opportunity for surveillance of the area, I give this matter only very limited weight.
24. None of the other matters raised alter or outweigh my conclusion on the harm that would be caused.

Conclusion

25. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR