



Appeal Decision

Site visit made on 22 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/Y2003/W/22/3313825

176 Ashby Road, Scunthorpe, North Lincolnshire DN16 2AP

- 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 Shah Ali of Adam Corp against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/1205, dated 24 June 2022, was refused by notice dated 4 October 2022.
 - The development proposed is amendments from previous planning application – proposed redevelopment of the building which is now to include new house entrance, glass extension to the first floor side, new roof terrace / balconies to 1st and 2nd floor, raised proposed dormer heights and new rear door.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr Shah Ali of Adam Corp against North Lincolnshire Council. That application is subject to a separate Decision.

Preliminary Matters

3. A previous planning approval was granted in November 2021 to raise the ridge line of the building, erect a second floor and single storey extension to the rear, insertion of dormer windows to the side facing slopes and alterations to the shop front to include new glazed sections and dormer projections to the front roof slope¹.
4. The proposed development in the summary box above is taken from the application form and highlights the differences between the approved scheme and that now proposed. The decision notice describes the proposal as being for planning permission to erect a two storey extension to side and rear, flat roof ground floor extension to rear with terrace above, single-storey extension to side with terrace above, raising of ridge line with dormer windows to second floor roof slope together with roof terrace and associated external alterations.
5. I have considered this appeal on the basis of the scheme now proposed taking into account the approved development and the differences between the two. The approved scheme provides a fall-back position.

¹ Planning Application Ref: PA/2021/1096.

Main Issues

6. The main issues are the effect of the proposal on: -

- the character and appearance of the host building and the surrounding area; and
- the living conditions of the occupiers of neighbouring properties, including 178 Ashby Road by reason of overlooking and loss of light.

Reasons

Character and Appearance

7. The appeal site is a detached property with a garden and outbuilding to the rear and a forecourt to the front. The building includes commercial uses on part of the ground floor and living accommodation on part of the ground and the first floor.
8. The existing building is fairly traditional in its design with a white rendered frontage, brickwork and a tiled roof and incorporating bay windows to the ground and first floor and pediment detailing. This is similar to the general design and character of neighbouring properties to the south and on the other side of Ashby Road. The adjacent property to the north, No 174 is a two storey commercial building with a completely different frontage to No 176. There are non-descript commercial properties further to the north and around the corner on Old Brumby Street. The character of the area therefore is that of commercial properties to the north and at the junction with Ashby Road and Old Brumby Street leading to residential properties southwards on Ashby Road.
9. In terms of the impact of the proposal on the character and appearance of the area, I consider that the main differences between the approved scheme and that now proposed are the inclusion of a large roof light in the front slope of the building, a glazed extension above the single storey side extension with timber screening to a first floor terrace and to the rear, roof terraces at first and second floor level with glazed balustrades; the latter being at roof level.
10. The second floor balustrade to the roof terrace would extend above the ridge height of the building and would appear particularly incongruous in the area and alien to the character and appearance of the host building. The roof light would be disproportionate in the context of its size and position and would introduce a visually dominant and discordant feature into the front of the building. The amount of glazing to the side and rear together with the section of timber screening to the side would further detract from the character and appearance of the property and appear out of place in this area.
11. Consequently, the proposal would have a harmful effect on the character and appearance of the host building and the surrounding character and appearance of the area in conflict with Core Strategy² Policy CS5 which requires all new development to be well designed and appropriate for their context and contribute to creating a sense of place.

² North Lincolnshire Council – North Lincolnshire Local Development Framework People -Places – Spaces. Core Strategy Adopted June 2011.

12. Furthermore, Local Plan³ Policy DS1 sets out general requirements for a high standard of design which should reflect or enhance the character, appearance and setting of the immediate area. Local Plan Policy DS5 indicates that proposals should be sympathetic in design, scale and materials to the existing dwelling and its neighbours. For the reasons set out above, the proposal would also conflict with these policies.

Living Conditions

13. Whilst there are commercial properties to the north, there are residential properties to the south, and south-east. The proposed terraces at both first and second floor level include either timber or glazed balustrades that would provide screening which would limit overlooking. However, whilst actual overlooking would be restricted by the screening together with the distances between properties, the first floor terrace would run the full width of the building and the roof terrace would be at an elevated level so that the occupiers of surrounding properties would experience a perception of overlooking. These large glazed areas would be dominant and their overall scale would therefore result in an adverse impact to the detriment of the living conditions of the occupiers of neighbouring properties.
14. As well as a general perception of overlooking of neighbouring gardens, No 178 includes windows in the side gable. There is reference that these are secondary windows but I have no evidence as to what rooms they serve and what other windows also serve these rooms. However, the proximity of the glazed extension to the side at first floor level together with the timber screening to the terrace, would increase the bulk and massing of No 176 close to the boundary with No 178 and very close to the side windows.
15. Even if these windows do not serve habitable rooms, the occupiers of No 178 would experience some loss of light. Without knowing exactly what rooms the ground floor windows serve, it is difficult to judge the extent of harm but the upper level window is a large window that is likely to serve a landing/hallway. Light through this window is already limited due to its north facing aspect but although not a habitable room, light to this part of the house would be adversely affected due to the bulk and proximity of the first floor extension and timber screening.
16. For the above reasons, I find that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties, including those at 178 Ashby Road contrary to Local Plan Policies DS1 and DS5. In addition to the above, these policies also seek to protect the amenity of adjacent dwellings by avoiding loss of privacy or light, amongst other things, as does the Council's SPG⁴.

Other Matters

17. The Appellant suggests that I could issue a split decision should some elements of the proposal be acceptable and others not. However, as stated above, the appellant has the fall back position of the approved scheme and as I have found most of the elements included in this revised scheme to be unacceptable, I do not consider that a split decision would be appropriate. In particular, it

³ North Lincolnshire Council – North Lincolnshire Local Plan – Including Policies for Minerals and Waste. Adopted Plan May 2003.

⁴ SPG1-4 North Lincolnshire Local Plan – Adopted Plan May 2003. SPG1 Design Guidance for House Extensions.

could result in a confusing decision leading to uncertainty as to what plan was approved.

Conclusion

18. I have found harm in relation to both of the main issues I have considered above and therefore, taking into consideration the development plan as a whole, and all other matters raised, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR