



Appeal Decision

Site visit made on 7 November 2023

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/E2001/D/23/3329783

30 Church Avenue, North Ferriby, East Riding of Yorkshire HU14 3BY

- 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 Liam Robinson against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/01610/PLF, dated 25 May 2023, was refused by notice dated 8 September 2023.
 - The development proposed is increase in roof height and first floor extension to create additional living accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for the increase in roof height and first floor extension to create additional living accommodation at 30 Church Avenue, North Ferriby, East Riding of Yorkshire HU14 3BY in accordance with application Ref:23/01610/PLF, dated 25 May 2023 and 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: 2210 P-001 Rev A – Proposed Elevations, Floor Plans, Roof Plan, Sections and Block Plan and 2310 S-001 – Existing Elevations, Floor Plan, Roof Plan and Location Plan.
 - 3) The materials that shall be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. I note that the Council modified the description of development from that used on the application form. In Part E of the appeal form it is stated that the description of development has not changed, although a different wording has been entered. Nevertheless, for clarity and precision, I have taken the description from the decision notice and appeal form.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the surrounding area.

- The living conditions of neighbouring occupiers, with regard to any overbearing impact.

Reasons

Character and appearance of the area

4. Church Avenue is a small cul-de-sac that is characterised by mainly red brick detached and semi-detached single storey bungalows built along a generally consistent front building line. They are set behind a good-sized front garden or driveway, typically delineated by a low boundary wall with a further modest garden to the rear. Architecturally, there is a reasonably regular form to the properties, notably in the shallow pitch profile of their front gable roofs, providing some regularity to the street scene.
5. The appeal property at 30 Church Avenue is a bungalow that also incorporates a low-pitched front gable and a reasonably generous set back from the highway. Positioned at the very end of the cul-de-sac, it sits within a relatively substantial plot. Whilst the frontage to the street is narrow, its garden broadens out towards the rear boundary to form a triangular shaped boundary.
6. The appeal proposal would change the appearance of No 30. It would replace the existing roof with a front gabled roof of a steeper pitch to facilitate living accommodation within the roof space. Even though this would contrast with the modest size and roof profile of most of the properties within the street, the appeal scheme would not be seen between two bungalows of the same proportion and design. Instead, it would be adjoined on one side by the rear boundary of dwellings on an adjacent road. Furthermore, by virtue of its location at the end of the cul-de-sac, the appeal property occupies a reasonably secluded location. As a result, even with the steeper roof pitch, it would not be prominently sited within the street.
7. On my site visit, I also saw that within the wider area, the scale and form of dwellings is quite varied. To the rear of the bungalows on Church Avenue, I observed that two-storey houses with standard pitched roofs and dormer windows within the roofscape of properties on neighbouring streets could be glimpsed. Even within Church Avenue, some variation in the appearance and scale of the dwellings is evident. This includes the grey cladding to the front façade of No 20 and the extended and wholly rendered property at No 1.
8. Details of the planning permission for 1 Church Avenue¹ provided by the appellant indicates that it was originally a bungalow that had a shallow pitched roof. This was replaced by a steeper roof pitch and two dormer windows to form first floor accommodation. Within this wider context, changing the form and appearance of the appeal property, particularly given its discrete location at the most southerly end of the cul-de-sac, would not be unduly incongruous.
9. For these reasons, I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area. As such, it would not conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (ERLPD) 2012-2029 (April 2016), which seeks to ensure, amongst other matters, that development has regard to the site's wider character and context and is of an appropriate scale and massing. Nor would the proposal conflict with the design

¹ 15/01633/PLF

advice at Paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions of the occupiers of neighbouring properties

10. The appeal proposal would slightly raise the eaves level of No 30 and increase its overall height as a result of the steeper pitch. The roof overhang to the west facing elevation would also bring it marginally closer to the side boundary it shares with the adjacent bungalow at 28 Church Avenue, which runs diagonally between them.
11. However, No 28 occupies a generous plot and there is a reasonably spacious gap between its side elevation and the shared boundary with No 30. This area includes their garage access and the driveway to No 28, both of which serve a less obvious amenity function than the rear garden. When combined with the appeal property's orientation, which splays away from No 28 rather than being parallel to it, the appeal scheme would not be unduly dominant or result in loss of daylight to these neighbouring occupiers. It would not be materially harmful as a result.
12. The appeal property would be located north of, and at least 10 metres away from the shared boundary with 2 Cranford Close to the rear. This level of separation and orientation would be adequate, even with a change in levels, to ensure that the appeal scheme would not be overbearing from this adjoining dwelling. As a result, it would not materially impair the living conditions of the occupants of No 2.
13. The rear boundary of homes at Nos 8, 9, and 10 East Mount sit adjacent to 30 Church Avenue to the east. Whilst I have some sympathy with these residents who might experience a change to their outlook as a result of the increased height of the roof to the appeal property, a private view from a window is not a planning matter. Moreover, based on the evidence before me, the main side or rear elevations of these houses would be a minimum of 12 metres from the appeal property. They are also delineated from the appeal site by a timber fence of approximately 1.8 metres in height and some reasonably mature planting. Given this context, combined with the design and form of the roof to the appeal scheme, which would pitch away from their rear boundary, the proposal would not result in any undue sense of enclosure. Therefore, it would not have an unacceptably imposing appearance or an overbearing effect on these neighbouring occupiers as a result.
14. Taking all these factors into account, I conclude that the proposal would not lead to unacceptable harm to the living conditions of existing residents as a result of being overbearing. I therefore find no conflict with Policy ENV1 of the ERLPSD 2012-2029 (April 2016) insofar as it seeks to secure development that has regard to the amenity of existing or proposed properties. Nor would the proposal conflict with the guidance at Paragraph 130 of the Framework, which seeks, amongst other matters, to ensure a high standard of amenity for existing and future users.

Other Matters

15. I am mindful that several representations from interested parties have raised concerns about a loss of privacy as a result of the proposal. The Council has not identified any specific harm to the living conditions of neighbouring properties as a result of overlooking and, based on the evidence before me and my observations on site, I have no reason to disagree. The windows in the south elevation would be at least 10 metres to the rear boundary and further to the nearest dwelling on Cranford Close. On my site visit I also observed trees and bushes to this boundary.

Consequently, I am satisfied that the proposal would not result in significant overlooking, and it would not necessitate the obscuring of the windows on this elevation. Equally, the roof lights in the side facing slopes of the roof would be placed over a bathroom and landing and positioned over 2 metres above the finished floor level.

16. Third parties have also raised issues about the increased weight of the property as a result of the extension to the roof, although I have no substantive evidence to this effect. Moreover, in relation to concerns about potential damage to neighbouring properties, this is a civil matter that does not alter the planning merits of the proposal. It is not a reason to withhold planning permission in the absence of any significant planning harm. Similarly, the planning system operates in the public interest and property values are a private matter.
17. In relation to third party representations about parking provision, there were no objections from the Council in this regard. Furthermore, I have nothing before me to evidence that the proposal would adversely affect parking on the street, nor that the additional traffic generated by vehicles associated with either the construction of the appeal scheme, or the future occupiers of the dwelling, would cause damage to the road surface or subsequent harm to cars as a result of the poor condition of the road. There is also no objective evidence before me that the proposal would result in any significant effects in terms of drainage at the appeal property.
18. I acknowledge the concerns that have been raised by third parties that the appeal proposal would reduce the availability of bungalows. However, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have no evidence before me of any policy within the development plan that specifically precludes the upward extension of bungalows. In relation to concerns that the appeal proposal could result in similar schemes coming forward, any application must be considered on its individual merits.

Conditions

19. Turning to the matter of conditions and having regard to the tests in the Framework, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the proposal be carried out in accordance with the approved plans. The Council has also suggested a condition requiring the external materials used in the development to match the existing building. This is also necessary to safeguard the character and appearance of the area.

Conclusion

20. The development complies with the development plan taken as a whole. Accordingly, I conclude that the appeal should be allowed.

K Mansell

INSPECTOR