



Appeal Decision

Site visit made on 5 March 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2024

Appeal Ref: APP/E2001/D/23/3333725

11 St. Nicholas Drive, Hornsea, East Yorkshire HU18 1EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Smith against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/02131/PLF.
 - The development proposed is the construction of a dormer to the side of the property and a single storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. The submitted drawing titled Proposed Floor Plans, Elevations and Section (Ref N2700-23-01 Rev A) does not include an elevation of the western side of the proposed front extension. I will consider this as part of my assessment.

Main Issues

4. The main issues are the effect of the proposal on (a) the living conditions of the occupiers of 13 St. Nicholas Drive, with particular reference to privacy, and (b) the character and appearance of the surrounding area.

Reasons

Living Conditions

5. There is a ground floor window within the side elevation of 13 St. Nicholas Drive that serves a lounge. The proposed dormer would have a clear glazed window that would enable a view into the lounge window of No 13. However, the information before me and what I saw on my site visit indicates that this room also has a similar sized window facing the road and therefore the side window is a secondary window to the room. Furthermore, there would be a sizable gap between the proposed dormer window and the neighbour's side window and the view would not be direct as the two dwellings are angled within their plots and the proposed window would be a storey higher.

6. Consequently, while there would be some overlooking of the side lounge window of No 13, it would not be unduly harmful to the living conditions of the occupiers. The proposal would therefore comply with Policy ENV1 (B.4) of the LP which seeks to ensure that developments have regard to the amenity of existing properties. It would also comply with paragraph 135(f) of the Framework that seeks to create places with a high standard of amenity for existing users.

Character and Appearance

7. The surrounding area predominantly consists of detached dwellings with a mixed character and appearance, comprising bungalows and houses of 1.5-storeys and two-storeys in height, and mainly constructed of brick/render with tiled pitched roofs. The dwellings are set a similar distance back from the road with an intervening garden/parking area. The appeal site comprises a detached two-storey dwelling with a steeply pitched, asymmetrical shaped roof, positioned on a bend in the road.
8. The proposed single storey extension would project beyond the dwelling's front elevation as well as the front elevation of No 13. Therefore, it would be prominent in the street scene, which would be further exacerbated by the curve in the road. I did not observe any similar-sized front extensions within the vicinity of the appeal site during my site visit and therefore, the proposed extension would be out-of-character. The proposed dormer would be positioned off-centre, closer to the road. While it would be set above the eaves and below the ridge of the existing roof, it would be a sizeable addition that would dominate the roof slope. The proposed dormer would be highly visible from the road due to the host dwelling's position on a bend and the low ridge height of the bungalow at No 13. I noted two examples of dormer windows on other properties in the vicinity of the appeal site. However, these were much smaller in scale and subservient. Consequently, the proposed dormer would appear alien in the street scene.
9. The proposals would be constructed of materials to match those on the existing dwelling. However, this would not overcome the harm I have previously identified. The proposals would provide additional accommodation for the appellant, and the appeal site is within the development limits of the town and could be a sustainable use of space within an existing housing estate. However, I am not convinced that additional accommodation could not be achieved by a less harmful means.
10. The appellant asserts that the proposed dormer would adhere to the Council's Design Guidance for House Extensions¹. I accept that the proposed dormer would comply with the guidance's requirements to be set down from the main ridge, away from the gables and set well back from the eaves. However, it would conflict with the guidance that states, *"large dormers are generally undesirable, especially at the front of a dwelling or on other elevations facing the highway"*, and *"dormers should be kept subordinate to the main roof and NOT dominate the original house"*.
11. The proposal would therefore conflict with Policy ENV1 of the East Riding Local Plan Strategy Document, adopted 2016 ('the LP') which, amongst other things,

¹ East Riding of Yorkshire Council, Design Guidance for House Extensions: A Guide for Home Owners on How to get Planning Permission to Extend your Home,

seeks to ensure that developments have regard to the specific characteristics of the site's wider context and the character of the surrounding area. It would also conflict with paragraph 135 of the Framework that seeks to ensure that developments are sympathetic to local character, including the surrounding built environment. It would adhere to paragraph 139 of the Framework that requires development that is not well designed to be refused.

Other Matters

12. Concern has been raised by interested parties that the proposals would affect the living conditions of the occupiers of No 13 with reference to a loss of light. However, the proposals would not unduly reduce No 13's levels of daylight or sunlight due to their scale and siting.
13. As I am dismissing the appeal, the omission of the western side elevation of the front extension from the proposed drawings is not determinative to my decision.

Conclusion

14. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR