



Appeal Decision

Site visit made on 22 February 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/Y2003/D/23/3331186

6 Vicarage Gardens, Scunthorpe, North Lincolnshire DN15 7AZ

- 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 Mrs Kulwinder Kaur against the decision of North Lincolnshire Council.
 - The application Ref PA/2023/757, dated 2 May 2023, was refused by notice dated 9 October 2023.
 - The development proposed is described as 'build 2 storey rear extension with pitched tiled roof at the rear of property. Build single storey side extension with pitched tiled roof'.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-storey rear extension with pitched roof, a single storey rear and side extension with a lean-to pitched tiled roof and a garage extension at 6 Vicarage Gardens, Scunthorpe, North Lincolnshire DN15 7AZ in accordance with application PA/2023/757, dated 2 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: YRGPN13691576516396 Rev B (existing and proposed block plan (amended)) and PA/2023/757 Rev C (existing and proposed plans & side, rear elevations (amended)).
 - 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 Matters

2. On my site visit I observed that building work had commenced on the appeal site at ground floor level. As a result, the current position on the ground differs from that indicated on the existing site plan. However, I recognise that an earlier planning permission at the appeal property was granted in 2023¹ for a single-storey side/rear flat-roof extension with roof lanterns and a single-storey extension to the existing

¹ LPA Reference: PA/2022/1909

garage, with pitched roof. In any event, I have determined this appeal based on the proposed plans that have been submitted. In this regard, I am mindful that the appeal scheme was amended during the period that the Council was considering the application. This included a reduction in the outward projection of the proposed two-storey rear extension and the introduction of a single storey rear extension. The Council determined the application based on these amended plans, and so have I.

3. Notwithstanding these amended drawings, the description of development in the banner heading above is as per the planning application form. There is nothing before me to indicate that a modification to the description of development to reflect the modified scheme was agreed between the parties during the planning application, nor was it reflected on the decision notice. However, a description of the revised scheme is reflected in the description of development that I have used in my decision, upon which both parties were given the opportunity to comment on.
4. The new North Lincolnshire Local Plan was submitted for examination in November 2022. Its emerging policies were not cited in the reason for refusal, and I have not been provided with any evidence in respect of the extent of any unresolved objections, such that these policies may not be in their final form. I have therefore determined the appeal based on the adopted development plan.

Main Issues

5. The main issues in this appeal are the effect of the development on:
 - The character and appearance of the surrounding area.
 - The living conditions of the neighbouring occupier, with regard to any overbearing impact.

Reasons

Character and appearance of the surrounding area

6. Vicarage Gardens is a residential street of predominantly detached dwellings of varying styles and proportions. Whilst mainly constructed in red brick, other materials along the road include render and mock Tudor detailing. Architecturally, the dwellings are quite diverse, although prevailing features include arched doorways, partly tiled front bay windows and feature chimneys as well as a variety of roof forms, including hipped, pitched, and gabled. The dwellings sit along a broadly consistent building line, set back from the road behind either a front garden or driveway and typically delineated by a brick boundary wall or hedge. To the rear, they mainly have long gardens and there are gaps of varying widths between the properties and each side boundary. The carriageway to Vicarage Gardens is quite narrow. However, the tree lined verge to each side, combined with the reasonably generously sized plots, gives the street a spacious character.
7. The appeal property is a red brick detached two-storey hipped roof dwelling. The original house, dating to the 1930s, sits centrally between the two side boundaries shared with Nos 4 and 8 respectively. Adjacent to its eastern boundary with No 4 is a single storey garage set back behind the main rear elevation. To the rear boundary, the appeal property adjoins the rear gardens of 12 and 14 Church Lane. The appeal scheme would introduce a two-storey rear extension to a depth of just

- under 4 metres, as well as a single storey rear and side extension, and a front extension to the existing garage.
8. The appeal proposal would change the appearance of No 6 when viewed from the road. Both the side extension constructed up to the boundary with 8 Vicarage Gardens, and the extended garage adjacent to the neighbouring property at No 4, would be visible from the wider public realm. However, each would be single storey with a pitched roof and generously set back from the main front elevation of the appeal property. The application form also confirms that they would be constructed in brickwork to match the existing house in colour and texture and tiled to reflect the original dwelling. Consequently, these elements of the appeal scheme would not be dominant within the street and would not appear incongruous as a result.
 9. To the rear of No 6, the two-storey extension would effectively be the same width as the original dwelling and no higher than it. Consequently, this aspect of the appeal proposal, along with the single storey rear extension, would effectively be screened from Vicarage Gardens by the existing house. It would therefore have no prominence within this street scene, and it would not appear discordant.
 10. I acknowledge that to the rear, the appeal scheme would require the removal of the original two-storey bay window on the back of the house. However, whilst the two-storey extension would incorporate a roof profile with a marginally different pitch to the main house, it would nonetheless reflect the pitched roof form of the original dwelling. Its ridge would also be set below that of the main roof to introduce a degree of subservience. Beyond it, the single storey rear extension would incorporate a pitched tiled roof that would not appear discordant. Both additions would also be constructed in materials to match the existing property and the window placement would respond to the internal layout.
 11. Moreover, these rear extensions would mainly be visible from the private views of neighbouring residents either side and to the rear on Church Lane. Consequently, any visual impact would be relatively localised in nature and not unduly harmful. Even from the Church grounds on Church Lane, given the length of the back garden to the appeal property, the appeal scheme would not be prominent from such vantage points outside the site.
 12. 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 policies DS1 and DS5 of the North Lincolnshire Local Plan (adopted May 2003) (NLLP) and policy CS5 of the North Lincolnshire Core Strategy (adopted June 2011) (NLCS). These policies seek to ensure, amongst other matters, that development is of a high standard of design appropriate to the local area, that it is sympathetic to existing dwellings and would reflect or enhance the character, appearance and setting of the immediate area.

The living conditions of the neighbouring occupier

13. The Council has raised concerns about the effect of the proposal on the living conditions of the immediate adjoining dwelling, but it does not specify which property. In relation to the neighbouring house at 4 Vicarage Gardens, there is a generous gap between the flank elevation of this dwelling and the boundary it shares with the appeal property. Whilst there would be a small front extension to the garage that sits adjacent to this shared boundary, this would be single storey, of

a modest height and somewhat screened by the existing boundary treatment between the two properties, comprising a fence and hedgerow. The distance to the two-storey and single storey rear extensions would be even greater, with the latter, at least, being mainly screened by the existing garage. This level of separation would be adequate to ensure that the appeal proposal would not be overbearing from this adjoining dwelling. As a result, it would not materially impair the living conditions of the occupants of No 4 by virtue of any overbearing impact.

14. I recognise that the appeal proposal would introduce a ground floor extension immediately adjacent to the boundary with 8 Vicarage Gardens. This would wrap around to the back of the appeal property, beyond the two-storey rear extension. Whilst this side extension would sit just forward of No 8's garage at the front and project beyond its rear elevation, it would be single storey with a pitched roof that would slope away from the shared boundary. The existing fence between the two dwellings would also screen a significant proportion of it. Furthermore, even though the flank elevation of the two-storey rear extension facing No 8 would be blank brickwork, in its Committee Report, the Council state that the 30-degree and 45-degree rules, which are intended to safeguard residential amenity in respect of loss of light, would be passed. In the absence of substantive evidence to the contrary, I have no reason to disagree with this assessment. Consequently, whilst the appeal scheme would somewhat change the outlook for these existing residents, no part of it would be unduly dominant or result in loss of daylight to these neighbouring occupiers, and it would not be materially harmful as a result.
15. To the rear, given the length of the back garden to No 6 that would separate the appeal scheme from the dwellings on Church Lane, and the orientation of the appeal property, being to the north of them, the appeal proposal would not result in any undue sense of enclosure for these properties. It would have neither an unacceptably imposing appearance nor an overbearing effect on these neighbouring occupiers.
16. Taking all these factors into account, I conclude that the proposal would not lead to any unacceptable harm to the living conditions of any neighbouring occupier as a result of being overbearing. I therefore find no conflict with policies DS1 and DS5 of the NLLP (2003), nor policy CS5 of the NLCS (2011) insofar as they seek, amongst other matters, to ensure that new development has regard to its relationship with buildings around it, and results in no unacceptable loss to the residential amenity of neighbouring occupiers, including from being unreasonably overbearing.

Other Matters

17. Several representations from interested parties have raised concerns about a loss of privacy arising from the appeal proposal. Many of these appear to relate to the original submission and not the amended scheme before me. Nevertheless, the Council has not identified any specific harm to the living conditions of neighbouring properties because of overlooking and, based on the evidence before me and my observations on site, I have no reason to disagree. There would be no new window openings in either the east or west facing elevations of the appeal scheme. The new openings would, instead, be rear facing. However, I am satisfied that given the generous depth of the rear garden, the proposal would not lead to significant overlooking of properties on Church Lane that adjoin to the rear.

18. Concern has also been raised by third parties that the appeal proposal would result in noise because of additional parties living at the property. However, there is no persuasive evidence before me to support this assertion. The appeal scheme would facilitate additional living space, but the property would remain a single family dwellinghouse. Whilst adjoining residents might also experience a change to their outlook as a result of the appeal proposal, a private view from a window is not a planning matter.
19. I am mindful that a representation has been made to the effect that the human rights of an existing resident under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998 would be violated if the appeal was allowed. This is a matter to which I have given very careful consideration. This submission appears to date from May 2023, which would pre-date the amended scheme before me. Nevertheless, I have found that the proposed development would not result in any neighbouring property suffering unacceptable harm to their living conditions by virtue of an overbearing development. It would not conflict with policies DS1 or DS5 of the NLLP (2003), or policy CS5 of the NLCS (2011). I am satisfied that a grant of planning permission would not unacceptably interfere with the right of a neighbouring property to a private and family life and home or peaceful enjoyment of their home. It is therefore proportionate in the circumstances to allow the appeal.
20. I acknowledge the third-party representations about parking provision, the additional traffic arising from a busier household, including a taxi, and the effect on cars and pedestrians on Vicarage Gardens, being narrow with single yellow lines and grass verges. I also recognise that the appeal proposal would result in an additional two bedrooms to the appeal property, to create five in total. However, there were no objections from the Council in this regard. Its Committee Report clarifies that its car parking guidance would require a minimum of one or two spaces for dwellings with four or more bed spaces in an urban/sub-urban area. On my site visit, I observed that the front driveway is mainly hard-surfaced, and it would provide at least two vehicles to satisfy the Council's guidance. Furthermore, I have no substantive evidence before me that there are any existing parking difficulties, nor that any additional traffic generated by vehicles associated with the appeal scheme could not be accommodated on the local highway network.
21. I recognise concerns that the appeal proposal could result in similar schemes coming forward. However, any application must be considered on its individual merits. Third parties have also raised a concern that the footings/foundations that have already been put in place for a single storey extension would not be substantial enough for a two-storey extension. However, I have no substantive evidence to this effect. There is also no objective evidence before me that the plans lack detail or fail to show the correct defined ridge line.
22. In relation to a concern that a different brick colour has been used on the extension that has been built to date, this, and any other issues about discrepancies from approved plans, would be a matter for the Council to enforce. Concerns about the Council's handling of the application in terms of neighbour consultation are also outside the scope of this appeal, which I must determine on its individual merits.

Conditions

23. Turning to the matter of conditions, 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 necessary to safeguard the character and appearance of the area.

Conclusion

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

K Mansell

INSPECTOR