

Appeal Decision

Site visit made on 1 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/B2002/W/24/3339560

162 Yarborough Road, Grimsby DN34 4DN

- 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 Jaswinder Dhallai against the decision of North East Lincolnshire Council.
 - The application Ref is DM/1011/23/FUL.
 - The development proposed is two storey detached house to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - Character and appearance of the area; and
 - Living conditions of existing and future residents in relation to external amenity space, outlook and light.

Reasons

Character and Appearance

3. The appeal site is located to the rear of a property which is within a small group of commercial units. The site is part of a garden and utility area associated with the commercial unit of 162 Yarborough Road and a flat above, although an extent of this area was underused and overgrown at the time of my visit. The wider area is residential in character, including an attractive modern housing estate to the rear which is a good example of the regeneration of the area.
4. The proposal is adjacent to a pedestrian access route which leads from the residential estate to the rear, and which provides an important pedestrian route linking the estate to the wider area. The site is readily visible from an area of landscaping between houses to the rear which provides an attractive setting for the pedestrian route. The appeal proposal would therefore be prominent in views from the public realm, despite its backland setting and a degree of separation created by an access to 164 Yarborough Road.

5. The proposed dwelling is of an awkward utilitarian appearance which would jar with the attractive dwellings to the rear. The first floor windows in particular are of a clumsy and unbalanced design which would contrast awkwardly with the well-proportioned dwellings to the rear. Although the rear elevation of the host property is of no particular merit, the proximity and prominence of the appeal site in views from the landscaped area to the rear would exacerbate the harm arising from the unfortunate appearance of the proposal.
6. Although the proposed dwelling would use a traditional gable roof, the proximity of the gable wall to the pedestrian route would be an oppressive and enclosing feature for people using the route. The projection of the side wall of the proposed dwelling beyond that of the building to the front of the site would add to the jarring appearance in views along the pedestrian route. Due to the limited size of the site and proximity of the dwelling to the site boundaries, the resultant building would be apparent as a contrived overdevelopment of the site.
7. My attention has been drawn to planning permissions granted for a 2-storey dwelling and a single storey dwelling to the rear of the neighbouring property of No 164. However, although those permissions may relate to dwellings of a similar utilitarian appearance, they are set back from the pedestrian route and are not in as prominent a location as the appeal proposal. These permissions do not therefore set a context which justifies the design and location of the proposed dwelling.
8. I therefore conclude that due to its design, scale and location, the appeal proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies 5 and 22 of the North East Lincolnshire Local Plan 2018 (the Local Plan) which seek to achieve good design in new developments, including with regard to the scale and density of development.

Living Conditions

9. The proposal would create a 2-bedroom dwelling suitable for a small family. Although the extent of external amenity areas to be provided is limited, I do not consider that this is unsuitable for the scale of development proposed.
10. However, in order to provide privacy for occupants, the amenity areas would be likely to be bounded by relatively high means of enclosure. The degree of enclosure would limit the amenity value of these external areas, and would also lead to an oppressive outlook from ground floor living areas within the dwelling. Due to its scale and arrangement, the proposed dwelling would also be an overdominant feature that overshadows the larger of the proposed external amenity areas. These matters would lead to significant harm to the living conditions that future residents of the development could reasonably expect.
11. Due to its proximity and scale, the proposal would also have an overdominant relationship with the adjacent site of No 164, particularly in respect of the approved residential developments on that site. Although only one of these separate permissions could be built, the effect on the amenity of future residents of the resultant developments should still be considered.

The proposal would be an oppressive presence in views from the proposed amenity areas of the adjacent approvals, and would also lead to a loss of daylight and sunlight. This would result in significant harm to the living conditions of future residents of the adjacent site in respect of both outlook and light.

12. With regard to existing residents, due to the arrangement and degree of separation from the flat in the host property and the dwellings to the rear, I conclude that the proposal would not harm the living conditions of those neighbouring residents. However, this does not outweigh my conclusions in respect of future residents of the appeal proposal or of No 164.
13. The appellant contends that future residents would see what they are purchasing or renting and proceed accordingly. However, unacceptable living conditions are not made acceptable simply because future residents may be aware of them.
14. Notwithstanding my conclusions in respect of the extent of proposed external amenity space, I conclude that the proposal would lead to significant harm to the living conditions of future residents of the appeal site and No 164 with regards to outlook and light. The proposal would therefore be contrary to Policies 5 and 22 of the Local Plan with regard to the impact on neighbouring land uses and achieving a high standard of sustainable design.

Other Matters

15. I am mindful of the benefits of the proposal. It would develop an underused site in an area with good access to services and would also add to the supply and mix of housing in this area. However, the benefits arising from a single dwelling would be very limited.
16. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS) 'Building the homes we need', which is a material consideration. However, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in both the extant and draft revised Framework. The WMS and the proposed revisions to the Framework do not therefore negate my conclusions on this appeal.

Conclusion

17. I have concluded that the proposal would lead to significant harm to the character and appearance of the area and to the living conditions of future residents. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross INSPECTOR