



Appeal Decision

Site visit made on 5 November 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/E2001/W/24/3347995

Site of Pastimes Amusements, Broadway, Hornsea, East Yorkshire HU18 1PZ

- 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 M Booth against the decision of East Riding of Yorkshire Council.
 - The application Ref is 22/00655/PLF.
 - The development proposed is Erection of an apartment block building to form 2 no. apartments.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an apartment block building to form 2 no. apartments at Site of Pastimes Amusements, Broadway, Hornsea HU18 1PZ in accordance with the terms of the application, Ref 22/00655/PLF, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with drawing Nos BOOTH 02 2022 1C and BOOTH 02 2022 2D.
 - 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place on site until details of the proposed floor levels of the building in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority. The building shall then be constructed with the approved levels.
 - 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No: BOOTH 02 2022 1C for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Provision shall thereafter be retained for the parking of these vehicles.

Preliminary Matter

2. As part of the planning application amended plans were submitted which reduced the number of proposed apartments from 3 to 2. I have determined the appeal on the basis of the amended plans which has necessitated a change in the description of development.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area including key views to and from the former Railway Station, a Grade II Listed Building; and
 - The living conditions of neighbouring occupiers, with particular reference to outlook and daylight.

Reasons

Character and Appearance

4. The appeal site is an area of tarmacked land enclosed by brick walling located to the rear of a modern apartment block known as Broadway House. Broadway House and the appeal site sit on a triangular shaped area of land bounded by Broadway, Parva Road and Sands Lane and is located close to the seafront. The areas to either side of the brick walling is grassed and open in character.
5. Broadway House is a U-shaped block, comprising a mix of three and four storeys and sits on the corner of Sands Lane and Broadway. Next to this block is a separate apartment block with garages on the ground floor. Car parking for part of this apartment block is accessed through the appeal site. To the opposite side of Broadway are large buildings associated with the leisure centre. There is a car park on the opposite side of Parva Road, next to which are the police station and registry office buildings.
6. The boundary of the Hornsea Conservation Area (CA) runs along the rear of the police station site and includes the Grade II Listed former Railway Station. The Hornsea Conservation Area Appraisal (2006) describes the significance of the CA in its development as a small town which grew towards the sea with the arrival of the railway. Paragraph 212 of the Framework states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. As the proposal would be behind the built form of properties along Parva Road it would have an imperceptible impact on the setting of the CA.
7. The proposal is for 2 one-bedroom apartments arranged over two floors. Each of the apartments would have an integral garage, with two further spaces provided for visitors adjacent to the building. The building would align to the southwestern boundary of the site. The proposed design includes a more

prominent central hipped gable with two wings to either side, set back from the front and rear elevations, with a slightly lower ridge height.

8. The apartment block would be set at an angle to the north-west of Broadacres House yet would relate well to the existing built form. As it would be two storeys in height it would be stepped down from that of the existing apartment block. This would give it a more subservient appearance to the prominent four storey element of Broadacres House.
9. The two-storey height of the apartment block would reflect the scale and height of the buildings on the opposite side of Parva Road. Furthermore, the ridge height above the two wings of the apartment block would be lower than the central part, which would break up and reduce its overall bulk and massing. The proposal would make efficient use of the remaining part of the site and provide a transition to the lower, less dense built form to the other side of Parva Road.
10. When viewed from the Grade II listed former Railway Station the proposal would be seen against the backdrop of the existing apartment block and the leisure centre beyond. Views towards the former Railway Station would be retained along Sands Lane. There would be some reduction in the extent of views from Broadway, close to the existing residential block. Further along Broadway the proposal would be seen within the built form of the amusement arcade and dwellings which sit on either side of Pasture Road. The most prominent sightlines towards the former Railway Station along Parva Road would be preserved.
11. I conclude that the proposal would not adversely harm the character and appearance of the surrounding area including key views to and from the former Railway Station, a Grade II Listed Building. Accordingly, it does not conflict with Policy ENV1 of the East Riding Local Plan and Strategy Document which amongst other things seeks to ensure that proposals integrate high quality design that contributes to the safeguarding and respecting of the diverse character and appearance of the area.

Living Conditions

Outlook

12. The proposal would sit at an angle on the plot and its corner would be approximately 3.8m away from the corner of Broadway House. The side elevation of Broadway House has two windows at each floor level. The windows closest to the proposal are positioned on the corner of the building. These windows serve the lounge areas of the apartments. There are two further windows serving this room which face away from the proposed development. Other windows on this side elevation would be located approximately 6m from the proposal. There would be some limited loss of outlook from part of the corner window at the first-floor level of Broadway House. However, given that there are other windows which serve the internal living space I do not consider that the proposal would have an overbearing effect on the outlook from these properties.
13. The separate block of three dwellings, to the northeast of the proposal, has garages to the ground floor level. At first floor level each dwelling has two windows on its rear elevation which serve habitable rooms. This block also has

enclosed balcony areas to the third floor. The habitable rooms at the third-floor level have a further balcony area on the front elevation. The proposed apartment block would be one storey less in height and would have a hipped roof. Furthermore, the apartment block would be set at an angle and located approximately 15m away from the existing dwellings. Therefore, due to the orientation, height and separation between the existing dwellings, the proposal would not result in an unacceptable sense of enclosure, which would harm the living conditions of residents in relation to outlook.

Daylight

14. The proposal would be located to the north-west of Broadway House. As a result of its orientation and height in relation to the existing buildings, it would not cause overshadowing. Therefore, the proposal would not result in a loss of daylight which would cause harm to the living conditions of neighbouring residents.
15. Consequently, the proposal would not have an unacceptable effect on the living conditions of neighbouring occupiers, with particular reference to outlook and daylight. Thereby, the proposal does not conflict with the aims of policy ENV1 which seeks amongst other things to ensure that development has regard for the amenity of existing and proposed properties.

Other Matters

16. I note that neighbouring residents are concerned about the loss of privacy as a result of the proposed development. The Council do not consider that there would be any adverse impacts on neighbouring residents in relation to privacy. As the proposal is at an angle to the existing properties, any views from windows would be at an oblique angle. In addition, there is sufficient separation distance between the buildings and therefore I concur that it would not harm the living conditions of neighbouring residents in relation to privacy.
17. Concerns have been raised about car parking availability. The proposal includes the provision of two visitor spaces in addition to one space for each of the properties. This level of provision is considered appropriate by the Council's highways team. I also note that there is a car park opposite the appeal site and a small amount of unrestricted on-street parking on The Broadway, which could provide additional parking for visitors if required. The introduction of wider resident car parking passes is not a matter for my consideration as part of this appeal.
18. I also note that comments have been made about the potential disturbance to neighbours during the construction period. Any noise and disturbance associated with the construction would be for a temporary period only and must be weighed against the benefits of providing two additional dwellings.
19. The Parish Council raised a concern in relation to the lack of open space put forward as part of the proposal. Although there is only a very small provision within the site for this purpose, it is flanked by two areas of open space and is in close proximity to the seafront. Therefore, given the opportunities for recreation in the immediate area I do not consider that the lack of private amenity space would adversely harm the living conditions of future occupiers.

Conditions

20. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the PPG. I have also removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
21. In addition to the standard time limit condition and which plans are relevant (1 and 2), I have attached a condition requiring details of materials to be provided (3).
22. Conditions in relation to surface water run-off (4) and sewage (5) are necessary to ensure satisfactory drainage and ensure neighbouring residents are not adversely affected.
23. A condition in relation to car parking (6) is necessary to protect the safety of highway users.

Conclusion

24. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR