
Appeal Decision

Site visit made on 28 December 2024

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/E2001/D/24/3350661

South Gable, 8 Parkside Close, Cottingham, East Riding of Yorkshire, HU16 5PH

- 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 Mr A. Zaidky against the decision of East Riding of Yorkshire Council.
 - The application reference is 24/00989/PLF.
 - The development proposed is described as 1. proposed first floor extension to single storey rear projection; 2. change of use of garage to habitable accommodation, removal of garage door and alteration to a window; 3. internal alterations associated with previous works; 4. removal of existing windows and doors and 5. new windows and doors.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed first floor extension to the single storey rear projection. The appeal is allowed and planning permission is granted insofar as it relates to the change of use of the garage to habitable accommodation, the removal of the garage door and alteration to a window, internal alterations associated with previous works, the removal of existing windows and doors and new windows and doors at South Gable, 8 Parkside Close, Cottingham, East Riding of Yorkshire, HU16 5PH in accordance with the terms of the application ref 24/00989/PLF, and drawing numbers 310-205-C; J8310-206-B and Location plan MDP-01157175, so far as they are relevant to that part of the development hereby permitted.

Procedural Matters

2. The appeal is made retrospectively for development already constructed.
3. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework, published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.
4. The LPA has referred to the draft East Riding of Yorkshire Local Plan Update 2020-2039 (LP). However, as this has not been adopted, I can afford it only limited weight in the decision-making process.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the existing dwelling and area.

Reasons

6. While the description of the development in the planning application form is as stated in the banner, the local planning authority (LPA), in its Decision Notice, describes it as for *'the erection of first floor extension to rear (retrospective) and installation of first floor window to side'*. The LPA makes no objection to the development, other than to the rear extension, and I have no reason to object to these other matters.
7. Therefore, I conclude that, so far as these other matters are concerned, they do not conflict with the design, character and appearance requirements of policy ENV1 of the East Riding Local Plan 2012-2029 (2016) (LP), and with chapter 12 of the Framework.).
8. So far as the rear extension is concerned, the appeal property is within an established residential area. It is two storeys in height, with a pitched roof, with a single storey rear extension, on top of which a first-floor addition has been constructed. While the host property has a hipped roof, the first-floor extension has a flat roof and, moreover, the height of the flat roof is greater than the eaves height of the original property and so it joins the main roof of the main dwelling above it.
9. By its flat roof and bulk, by its height greater than that of the host property and therefore the height and method by which it joins the hipped roof of the host property, it fails to assimilate satisfactorily in design terms with the original dwelling, as does the use of its rendered, light-coloured, exterior finish.
10. The appellant has referred to other extensions in the locality, referring to them as No's 2,16 and 18 Parkside Close. Nevertheless, the appellant is critical of them, either because they unbalance the host properties, or because they include side extensions which are visible from the public domain, or because of their incongruous appearance. On my site visit, I was able to observe a two-storey, flat roof, rear extension to one of the said properties located close by in the cul-de-sac head, though unlike the appeal extension, it has a brick exterior. However, I have no other information before me as to its planning history or those of the other quoted examples. In any event, I determined the appeal based upon its individual merits.
11. I appreciate that the first-floor extension is not seen from public vantage points, though it is visible to the occupants of dwellings opposite and facing it at the rear, albeit from some considerable distance away. These matters are not sufficient to permit development which has an adverse effect in design terms.
12. Therefore, I consider that the design of the first-floor extension does not constitute good design, and that material harm is caused to the character and appearance of the host property and area. For the above reasons, I conclude that the extension

does not accord with the design, character and appearance requirements of policy ENV1 of the LP, and with chapter 12 of the Framework which requires the same. It also conflicts with the Cottingham Neighbourhood Plan and Design Guide (2015-2029) (2018) which considers that flat roofs alongside pitched roofs should be avoided.

Conditions

13. As the development has already taken place there is no requirement to impose planning conditions.

Conclusion

14. The appeal proposal includes different elements. The change of use of the garage to habitable accommodation, the removal of the garage door and the alteration of a window, internal alterations and the replacement of windows and doors are acceptable, and do not conflict with relevant planning policies. This development is clearly separable from the remainder of the scheme. Therefore, I shall issue a split decision in this case, and allow the matters outlined above.
15. In respect of the rear extension, I have concluded that this would have a detrimental impact upon the character and appearance of the host property and area. Therefore, I dismiss the appeal in respect of the first floor, two-storey rear extension.

S. Hartley

INSPECTOR