



Appeal Decision

Site visit made on 11 February 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/D2510/D/24/3358088

94 Mount Pleasant Avenue, Louth, Lincolnshire LN11 9DJ

- 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 Mrs Nereina Siddle against the decision of East Lindsey District Council.
 - The application Ref is N/105/01520/24.
 - The development proposed is described as “Current window to be brought forward in-line with the current porch and canopy supporting wall to create a ground floor bay window in the living room area”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development was amended by the Council during the consideration of the application to read “*Planning Permission - Extension to existing dwelling to provide additional living accommodation*”. It is not clear from the evidence before me that the appellant agreed to this amendment, and it is noted from the Officer Report that the Council has assessed the application on the basis of a different development to the one the appellant applied for. I have used a shortened version of the description in the banner heading above than as it appears on the application form, omitting superfluous information that does not relate to an act of development. I am satisfied that the cases of the main parties would not be prejudiced by my dealing with the appeal on this basis.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and then corrected on 7 February 2025. I have had regard to the Framework as a material consideration in my decision making. As there are no substantive changes relevant to the appeal before me, I have not invited further comments from the parties on this matter. I am satisfied that neither party is prejudiced by this.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

5. The appeal property is a mid-terrace two-storey house. This building is typical of the development in the surrounding area, the street scene of which is generally characterised by evenly spaced short, terraced blocks that are set back from the road behind small front gardens. The terraced blocks have a broadly consistent

architectural style, featuring double uPVC porches serving the central properties and small single porches on the end-terraces. The porches are generally flat roofed and have similar proportions. These features give the terraced blocks and the street scene a strong rhythm and homogenous character. In a few cases these porches have been altered or removed, however the street scene still retains an overall uniformity and consistent character.

6. In contrast, the front elevation of the appeal building has been altered. A mono-pitched extension adjoining the neighbouring property's flat roof porch and spanning almost the full width of the dwelling has been constructed. The exterior of the extension is painted cream and within the extension a gap has been left around the existing ground floor window which provides a covered canopy. This appeal relates to the proposal to infill this canopy with a bay window that would be externally clad with uPVC.
7. I am not aware of the history of the front extension that has been constructed at the appeal site, however I note that the Council states this is unauthorised. Irrespective of whether the development is authorised or not, what has been constructed clearly interrupts the regular rhythm and design of the terraces and erodes the balance and uniformity of the block. This results in a form of development that is overtly prominent and detracts from the character and appearance of the area. The proposal in this appeal is to alter an already incongruous extension which would enclose the frontage with a bay window and uPVC cladding and exacerbate its uncharacteristic design and appearance. This would result in harm to the character and appearance of the terraced block and surrounding area.
8. The appellant has put forward an alternative in their Appeal Statement to use reclaimed bricks to infill the covered canopy. However, this would not overcome the harm I have identified from the overall design and form of the development and the consequential impact on the character of the area.
9. For the reasons set out above, I conclude that the proposed development would be harmful to the character and appearance of the host building and surrounding area. Consequently, it would conflict with Policy SP10 of the East Lindsey Local Plan Core Strategy (2018), which amongst other things, requires well designed developments that maintain and enhance the character of the District and seeks to ensure the use of high quality materials and design that reflects the character of the surrounding area.
10. I note that the Council finds conflict with paragraph 136 of the Framework in its reason for refusal. This paragraph is largely unchanged in the latest version. I have had regard to the Framework in my decision, however paragraph 136 is not determinative in my consideration of this appeal as it relates to the contribution that trees make to the character of the area and no trees feature on this part of the appeal site.

Other Matters

11. The appellant has stated that the proposed development would provide more space inside the living room for a disabled relative. Therefore, as part of determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to

advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

12. I have had also had regard to the appellant's family's right to the peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. Dismissing the appeal would interfere with their rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
13. I have carefully considered the reasons why the appellant has applied for planning permission to extend their property. However, I have been provided with limited evidence to demonstrate how the development would improve accessibility, is specific to their needs, or could not be met by a less harmful scheme. Therefore, having regard to this matter, I attach limited weight in favour of the appeal scheme to the personal circumstances of the appellant. Furthermore, the harm I have identified to the character and appearance of the host building and surrounding area is such that dismissal of the appeal is a necessary and proportionate response that would not unacceptably violate the appellant's rights under Article 1 of the First Protocol or Article 8.
14. It has been suggested that alterations could be made to the front elevation, including a similar form of development that would comprise "permitted development" granted deemed planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, it is not for me, under a Section 78 appeal, to determine whether alterations or extensions would comply with the GPDO or would be lawful. It is open to the appellant to apply to the Council for a separate determination under Sections 191/192 of the Act, independently of the outcome of the appeal.
15. The appellant's evidence refers to other developments in the surrounding area where render and cladding have been used as external facing materials. I have taken these into account in terms of any influence on the character and appearance of the area so far as I am able to, based on the information before me. Whilst I am not aware of the full circumstances of these other cases, what is clear from two of the images supplied is that they relate to properties of a distinctly different character and appearance to the appeal site (being detached dwellings rather than part of a terraced block as in the case of this appeal). The third image appears to show a pair of double uPVC porches that are reflective of others that can be seen on Mount Pleasant Avenue and that have been altered on the appeal dwelling. Notwithstanding this evidence, each scheme must be considered on its individual merits and these example images do not alter my conclusion on the appeal scheme.

Conclusion

16. For the reasons given above the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. With reference to the PSED and the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998, I consider that my decision to dismiss the appeal is proportionate and necessary.

17. I therefore conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR