



Appeal Decision

Site visit made on 27 August 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/B2002/W/25/3366710

124 Humberston Fitties, Humberston, Grimsby DN36 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ray Crome against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0097/25/FUL.
 - The application sought planning permission for Retrospective application for the demolition of existing chalet, erection of new detached single-storey chalet, erection of outbuilding and associated works (Amended Description and Additional Plans received 24th May 2023 to include details of outbuilding) without complying with conditions attached to planning permission Ref DM/0274/23/FUL, dated 14 July 2023.
 - The conditions in dispute are Nos 2 & 4 which state that:
 - (2) *The development shall be carried out in accordance with the following plans:*
 - Site Location Plan - RD5389-03*
 - Proposed Block Plan, Site Plan, Floor Plan and Elevations - RD5389-02A*
 - Proposed Site Plan, Existing and Proposed Street Scene Elevations, Outbuilding Floor Plans and Elevations - RD5389-04D*
 - Proposed Foundation Details and Elevations - RD5389-05*
 - (4) *The proposed development shall be constructed using materials specified within the application form received on the 27th March 2023 and as stated on drawing nos. RD5389-02A and RD5389-04D unless otherwise first approved in writing by the Local Planning Authority.*
 - The reasons given for the conditions are:
 - (2) *For the avoidance of doubt in the interests of proper planning and in accordance with Policies 5, 22, 33 and 39 of the North East Lincolnshire Local Plan 2013- 2032 (Adopted 2018).*
 - (4) *This condition is imposed in the interests of design considerations in the context of the existing buildings in order to comply with Policies 5 and 39 of the North East Lincolnshire Local Plan.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The second reason stated on the decision notice relates to flood risk, and specifically to the proximity of works that have taken place at the rear of the site close to flood defences. As the appellant has advised that they would be agreeable to those works, which encompass a shed and planters to which the Environment Agency have objected, being removed, I have not considered this matter further in my determination of the appeal.
3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Humberston Fitties Conservation Area (CA).

Background and Main Issue

4. The original planning permission granted in 2023 allowed for the construction of a replacement chalet on the appeal site. Whilst there is now a completed chalet present, it has not been constructed in accordance with the plans approved under that application. The application which is subject to this appeal sought to regularise this situation by varying conditions 2 (approved plans) and 4 (materials) imposed on that original planning permission.
5. The main issue is the effect of the development on the character and appearance of the CA.

Reasons

6. The significance of the CA lies in both its historical origins and the way in which it has subsequently developed in architectural terms. The Chalet Design Guide 1997 (CDG) explains some of the context of how the CA evolved and it refers to the casual holiday home atmosphere with the community bound together by the individuality and diverse appearance of each chalet which combine to create a unique and equally rare local character. What exists today is an area of great character, to which the appearance of each chalet is a major contributor. As the appellant notes, there are many different chalets of varying types, appearances, materials and shapes and there is an emphasis in the CDG on the need for chalets to be individual in style whilst according to the overall theme of the Fitties site.
7. Whilst there is great diversity in design, there are some general consistencies in terms of the scale of the chalets, certainly in the area closest to where the appeal property is located. The chalets for the most part have low eaves heights at the point where they are closest to the access road. This creates a character where the chalets do not impose on the street by reason of their height and massing. Although I accept that both the now demolished chalet and the replacement approved had a mono-pitched roof which would have been at its highest closest to the road, both the original dwelling and the replacement that was approved had a lower maximum height than the appeal chalet.
8. The difference in the height of the approved replacement chalet and what has been built is said to be approximately 400mm. This represents approximately a 750mm increase over the height of the original chalet that stood on the site. The impact of this increase in height occurs most notably across what is a wide chalet frontage on the most visually sensitive part of the site. The result is a chalet which has an overly dominant and visually harmful impact upon the character and appearance of the CA, in particular in terms of its scale in relation to the more modest nearby chalets, and even when considered in comparison to the impact that the approved replacement chalet would have had. This impact is not aided by the omission of a lower rear section, which would have served to lessen the overall massing of the building, whose side elevations are prominent in views from the road.
9. The use of cement based horizontal tongued and grooved board as the external facing material also does not aid integration of the constructed chalet into the street scene. This material accentuates the visual dominance of the building as opposed to what would have been the softer visual impact of the approved timber. That the material will weather and may become less stark and that the cream facing colour is what could be considered to be a muted colour choice do not

overcome the overall harm caused. The bi-fold doors to the rear and metal balustrade/glass, although screened to some degree along the site boundaries, are retrograde modern additions in comparison to the more traditional French doors and rear decking enclosure that were approved.

10. The appellant draws attention to the use of other external facing materials, including cement render and uPVC boarding on other chalets, with reference made to a previous appeal decision¹ with regard to the latter material. However, that other property does not appear to be seen within the same street scene as the appeal chalet. In that case the appointed Inspector referred to there being other examples of similar materials in close proximity. Whilst the appellant refers to one other property which appears to be clad in uPVC boarding and one that is faced in zinc standing seam, those are outliers in terms of the facing materials present close to the appeal site. Furthermore, no other examples of the specific material used on the appeal chalet have been drawn to my attention.
11. The substitution of timber, which was the facing material used on the now demolished original chalet, with a visually inferior modern material has not served to preserve or enhance the CA, notwithstanding what exists on some other plots in the wider area. It has undermined a main objective in the CDG to produce designs that are compatible to the existing using matching materials so as to continue and enhance the character of the original chalets. It is suggested that bi-fold doors were not prevalent at the time the CDG was written, which may well be the case, and the appellant considers that they have a similar appearance when closed and that they add to the variety of chalet types. However, when considered cumulatively with the other changes made to the approved scheme, they too neither preserve nor enhance the CA.
12. The Council does not adequately articulate the harm caused by the rear outbuilding, in particular in consideration to there being substantial outbuildings located to the rear of the adjacent property. The outbuilding at the appeal chalet is reasonably modest in size and faced in timber. I do not find that it has caused harm to the character or appearance of the CA. The other changes referred to in the application description, namely a gravel driveway to the side, paving area to the rear, a pathway to the existing outbuilding, borders to the perimeter, an EV charging point and new fences and gates, are generally visually consistent with the surrounding area and the CDG. I therefore find that no visual harm arises from them, either.
13. Given the nature of the development and that the harm that I have found is localised, I consider that less than substantial harm to the CA has been caused, with the level of harm being towards the higher end of that spectrum. Paragraph 215 of the National Planning Policy Framework (the Framework) states that it is necessary to weigh the public benefits of the development against the harm that arises to the CA, but no public benefits of the appeal development have been advanced.
14. For these reasons, I conclude that the development has caused harm to the character and appearance of the CA and to its significance. The harm to the designated area is a matter which carries considerable importance and weight. Consequently, the development fails to accord with Policies 5, 22 and 39 of the

¹ APP/B2002/D/19/3233220

North East Lincolnshire Local Plan 2018, where they collectively seek to protect character and appearance and designated heritage assets. There is also a conflict with the Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.

Other Matters

15. The development is not considered to be harmful in highways, drainage or ecological terms, and there was no objection from Environmental Health. Furthermore, the Council found no harm to the living conditions of the occupiers of the adjacent chalets. However, these are not considerations which justify the harm that I have identified.

Conclusion

16. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR