
Appeal Decision

Site visit made on 2 December 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 January 2026

Appeal Ref: APP/B2002/W/25/3373135

Rear of 171 Mill Road, Cleethorpes, North East Lincolnshire DN35 8JB

- 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 Peter Dalton against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0900/24/FUL.
 - The development proposed is demolition of existing lock up garages and erection of two dwellings with central car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government launched a consultation on reforms to the National Planning Policy Framework in December 2025, but as the proposals are still subject to change, they carry little weight. Accordingly, the decision was made with reference to the December 2024 version of the Framework.
3. There was a previous appeal decision¹ (the previous appeal) for two dwellings with central car port, which in accordance with case law is a material consideration as it is necessary to have consistency in decision making.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring residents and future occupiers with regards to outlook, daylight, sunlight, privacy, outdoor space, noise, disturbance and car parking arrangements.

Reasons

5. The appeal site comprises a row of flat roof garages located to the rear of dwellings which front onto Mill Road and Trinity Road. Access to the site is via a single width, tarmacked road which runs from Mill Road and also provides access to three detached dwellings 167, 167A and 169 and garages associated with 163 and 165 Mill Road. The surrounding area is predominantly residential, comprising a mix of architectural styles which front onto the road with good size plots. There are existing examples of back land development in the immediate area. The site is a short walk from Cleethorpes town centre, and this part of Mill Road has parking restrictions in place.

¹ APP/B2002/W/16/3142704

6. The proposed dwellings would be on the same footprint as the existing garages but would be two storeys in height with hipped roofs. Nos 94 and 96 Trinity Road adjoin the appeal site and have windows on both the ground and first floor levels which serve habitable rooms and face directly onto the appeal site. The proposed dwellings would be built up to the boundary with Nos 94 and 96 and the rear elevations separated by approximately 12.5m. The proposed ridge heights of approximately 6.0m and 5.6m and eaves height of 3 - 3.5m have been reduced slightly from that of the previous appeal scheme at approximately 5.9m ridge height and 3.5m eaves height. The mass of the proposed development would be broken up by the hipped roofs, lower garage ridge heights and the gaps in the location of the outdoor spaces. However, the overall extent and height of the built form along the boundary of the appeal site would create an unacceptable sense of enclosure to the habitable spaces of Nos 94 and 96 despite the changes in land levels. This would therefore result in unacceptable outlook for neighbouring residents.
7. The rear of 171 Mill Road has also been extended with this dwelling being located approximately 15m from the proposed dwellings. Other neighbouring dwellings would be a distance greater than 20m. Therefore, the proposed scheme would have no significant impact on the residential amenity of these neighbouring residents with regards to outlook.
8. The ground floor accommodation of the proposed dwellings would comprise an open plan lounge, kitchen and dining area, which would be served by full height windows to the front and side elevations fronting onto the outdoor space. A further smaller window would be provided to the front elevation and side lights located next to the front door. However, the window on the side elevation would be separated from the car port by approximately 2m, which due to its height and the orientation of the proposed dwellings would reduce the levels of sunlight and daylight entering these openings. Although the ground floor layout would be open plan and have another full-length window to the front, due to their orientation, the rear parts of the lounge, kitchen and dining areas, in my view, would be dark and gloomy. Therefore, the proposal would not provide acceptable living conditions for future occupiers in respect of sunlight and daylight.
9. The proposed full height windows of the kitchen areas would face directly onto the shared vehicle access. Although passing vehicle traffic would be limited, there would be no pavement or other defensible space between the road and the building elevation. This would mean that the kitchen areas would be fully accessible to being viewed into by passers-by. This would provide unacceptable levels of privacy for future occupiers.
10. The first-floor bedroom windows would also face over the shared vehicle access. Although there would also be a window to the side elevation, as this would face onto the side of the car port, it would provide limited outlook. Therefore, the primary outlook of the proposed dwellings would be over the shared access and parking areas which would provide poor outlook for future occupiers. Whilst the appellant contends that the outlook would be similar to other town centre dwellings, such properties are likely to be dual aspect or have smaller openings.
11. A small outdoor amenity space would be located between the side elevation of the proposed dwellings and the car ports. This area would be approximately 2m deep and 4m wide, providing some space for future occupants to sit and to dry clothes.

However, as this space would be enclosed and dominated by the side walls of the dwelling and car port it would not provide an enjoyable space. Therefore, the proposed development would fail to provide adequate outdoor amenity space for future occupiers. Whilst I recognise that not all future occupiers would seek outdoor space, such provision contributes to high standards of amenity for residents and their wellbeing.

12. Although the proposed development would not result in significantly more traffic movements than the existing garages, it would generate more regular parking pressure resulting from visitors and deliveries. The proposed car ports would provide the only space for car parking, with no provision for visitor parking. As parking is restricted along Mill Road it is highly likely that the access road would be used for parking on an informal basis as it would not be subject to highway restrictions. Any delivery vans or visitors parking their vehicles to the front of the new dwellings, even for short periods of time, would restrict access by other vehicles to and from existing dwellings and garages. Moreover, the proposed access would provide limited space for the turning of larger vehicles. Therefore, the proposed development would result in unacceptable harm to neighbouring residents and future occupiers with regards to car parking arrangements.
13. Whilst the movement of vehicles and car doors slamming in proximity to the proposed dwellings would cause some noise and disturbance, given the level of traffic and distance between existing parking areas, this is unlikely to be of a level which would harm the living conditions of future occupiers.
14. I have been referred to examples of permissions granted at William Street which was single storey; Bradford Avenue which fronts onto the street scene with outlook provided along the road; in addition to that of Seaview Street where the existing buildings dominated neighbouring properties. However, none of these cases are directly comparable to the appeal case which for the reasons outlined above would have greater impact on neighbouring residents and future occupiers. In any event I have dealt with the appeal based on the evidence before me.
15. Overall, the proposed development would result in unacceptable outlook for neighbouring residents, and future occupiers would not experience acceptable living conditions with regards to outlook, daylight, sunlight, privacy and outdoor space, and would not provide adequate car parking arrangements. It thereby conflicts with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (2018). Together, these policies amongst other things seek to ensure that proposals have regard to the impact upon neighbouring land uses and is of a high standard of sustainable design.

Other Matters

16. The appeal site is located within the Mill Road conservation area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The CA is predominantly residential from the late 19th century and early 20th century. While the properties along Mill Road vary in terms of architectural style and scale, their historic integrity contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset. However, bearing in mind the small scale and back land location of the proposed development, the

character and appearance of the CA as a whole would be preserved. I note that the council raised no objection in this regard either. Nevertheless, this lack of harm ways neutrally and does not amount to consideration in support of the appeal or alter my overall conclusions on the main issue.

17. The appellant has raised concerns relating to the limited evidence presented to the Council's planning committee, however this is not a matter for me in the determination of the appeal.

Planning Balance and Conclusion

18. The proposed development would create unacceptable living conditions for neighbouring residents and future occupiers. These harms bring the scheme into conflict with the development plan.
19. The Framework is an important material consideration. There is common ground between the main parties that the Council is unable to deliver a 5 year supply of housing land. In these circumstances footnote 8 and paragraph 11d)ii of the Framework explain that planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The policies in the Framework seek to significantly boost the supply of homes. The proposal would provide two additional open market dwellings. Given the substantial shortfall of housing in the borough, two additional dwellings would make a minor but useful contribution to this supply. The appeal site is also within a short walk to the town centre and would re-use existing garages. The Framework supports the re-use of previously developed land, in urban locations with good access to public transport. Furthermore, there would be short term benefits to the local economy during the construction phase and by future occupiers of the dwellings using local services. Together, these are modest benefits which weigh in favour of the proposal.
21. However, the creation of high-quality places is fundamental to what the planning and development process should achieve. Although there is support for new housing in this location, and other benefits to the proposal as set out above, the importance of providing appropriate living standards demonstrably outweighs the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
22. 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. Therefore, for the reasons given, the appeal is dismissed.

C Skelly

INSPECTOR