

DEVELOPMENT MANAGEMENT
APPEALS LIST - 12TH APRIL 2024

APPLICATION NUMBER & SITE ADDRESS	APPEAL REFERENCE & STATUS	OFFICER & PROCEDURE
DM/0046/22/TPO 24 Park Avenue Grimsby North East Lincolnshire DN32 0DQ	AP/020/22 INPROG	Paul Chaplin Fast Track
DM/0795/22/FUL The Barns Killingholme Road Habrough North East Lincolnshire	AP/017/23 INPROG	Jonathan Cadd Written Representation
DM/1098/22/OUT Land South Of Millennium Park Humberston Avenue Humberston North East Lincolnshire	AP/020/23 INPROG	Jonathan Cadd Written Representation
DM/0833/23/FUL 68 Brighowgate Grimsby North East Lincolnshire DN32 0QW	AP/001/24 INPROG	Bethany Loring Written Representation

DM/0370/23/FUL Roundhead Filling Station 148 Cromwell Road Grimsby North East Lincolnshire DN31 2BA	AP/002/24 INPROG	Jonathan Cadd Written Representation
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DM/0686/23/FUL 2 Pinfold Lane Grimsby North East Lincolnshire DN33 2EW	AP/003/24 INPROG	Emily Davidson Written Representation
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DM/1174/23/FUL 214 Sandringham Road Cleethorpes North East Lincolnshire DN35 9AD	AP/004/24 INPROG	Bethany Loring Fast Track
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DM/0815/22/REM Land Field Head Road Laceby North East Lincolnshire DN37 7SS	AP/005/24 INPROG	Lauren Birkwood Informal Hearing
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DM/0470/23/OUT Land Field Head Road Laceby North East Lincolnshire DN37 7SS	AP/006/24 INPROG	Lauren Birkwood Informal Hearing
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DM/1070/22/OUT 3 Kingsfield Farm Main Road Barnoldby Le Beck North East Lincolnshire DN37 0SB	AP/007/24 INPROG	Bethany Loring Written Representation
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DM/0235/23/FUL The Georgian House Main Road Barnoldby Le Beck North East Lincolnshire DN37 0AU	AP/008/24 INPROG	Bethany Loring Written Representation
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DM/1011/23/FUL 162 Yarborough Road Grimsby North East Lincolnshire DN34 4DN	AP/009/24 INPROG	Owen Toop Written Representation
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Appeal Decision

Site visit made on 18 March 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/B2002/D/23/3330375

21 Church Lane, Humberston, Grimsby, DN36 4HZ

- 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 Ms Nicola Curtis against the decision of North East Lincolnshire Council.
 - The application Ref DM/0324/23/FULA, dated 6 April 2023, was refused by notice dated 17 August 2023.
 - The development proposed is described as 'Alterations and extensions to a dwelling house'.
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Decision

1. The appeal is dismissed insofar as it relates to the two storey rear extension.
2. The appeal is allowed insofar as it relates to the first floor side extension, the two storey extension to side, the two storey extension to front, the loft conversion, alterations to driveway and new landscaping. Planning permission is granted for alterations and extensions to include a first floor side extension with car port below, a two storey extension to side and a two storey extension to front, loft conversion with roof lights and alterations to roof, alterations to driveway and new landscaping to front and side boundary at 21 Church Lane, Humberston, Grimsby, DN36 4HZ in accordance with the terms of the application, Ref DM/0324/23/FULA, dated 6 April 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the first floor side extension with car port below, two storey extension to side and two storey extension to front, loft conversion with roof lights and alterations to roof, alterations to driveway and new landscaping to front and side boundary only: RD5360-02 Proposed floor plans; RD5360-03 REV B Proposed general arrangement & elevations; RD5360-04 REV A Proposed site plan and block plan.
 - 2) The two window panes at first floor on the western side elevation plan, drawing no. RD: 5360/03 B shall be fully obscured to a minimum level of 3 on the Pilkington Scale prior to the use of the room in which they serve. They shall then be retained at this level of obscurity for the lifetime of the development.
 - 3) The development shall be carried out in accordance with the Sustainable Surface Water Drainage details supplied within the drawing: RD:5360 /

04 A and the drive shall be constructed of gravel as identified. The approved details shall be implemented in their entirety prior to the use of the development, unless otherwise agreed in writing with the Local Planning Authority.

- 4) No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Preliminary matter

3. The Council's decision describes the proposal as 'Alterations and extensions to include two storey rear extensions, first floor side extension with car port below, two storey extension to side and two storey extension to front. Loft conversion with roof lights and alterations to roof. Alterations to driveway and new landscaping to front and side boundary'. As this describes the proposal in more detail, I have considered the appeal on this basis and used the relevant wording in the formal decision above.

Reasons

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupiers. The development plan includes policy 5 in the North East Lincolnshire Local Plan (LP) (2016) which says that proposals will be considered in regard to their impact upon neighbouring land uses by reason of visual intrusion.
5. The appeal site is located within a residential location of dwellings of various ages, sizes and styles. It comprises a detached, two storey dwelling of a traditional character and appearance. It has an L-shaped floorplan with steeply pitched gabled roofs on both the front and eastern side elevations and a ridge height that is greater than those of many of the surrounding dwellings.
6. The proposed development includes a number of elements. From what I have seen, the size, siting and detail of the front extension, loft conversion and drive and landscaping elements would be acceptable due to their limited size and scale and relationship with neighbouring dwellings and as such would not harm the living conditions of neighbouring occupiers.
7. On the eastern side of the property there is currently a gap of some 2.5m between the dwelling and the boundary with its neighbour at no 23. A car port and first floor extension on the eastern elevation of some 5m in length would extend the appeal dwelling up to the side boundary, separated by the driveway of no 23 from that dwelling. It would have a 'catslide' roof with a ridge to match the existing and a hipped side, a front dormer window at first floor level and a car port below.
8. No 23 is a detached two storey house that has been extended to the rear with a single storey and a two storey rear extension. An open plan kitchen/dining/family room has two side facing windows and rooflights in its side elevation that would face the proposed extension. However, at my visit I saw that those windows already face the existing dwelling. The gable end of the existing dwelling already casts a shadow over the driveway and existing ground floor side windows in the neighbouring property for part of the afternoon from 3pm onwards, as illustrated in the appellant's drawing RD5360-06. Although the extension would bring the side elevation closer, it would not

- have a materially greater impact than at present in terms of outlook or light. Moreover, it would improve the privacy of the occupiers at no 23 because the proposal has no windows at first floor level in the side elevation, unlike the existing dwelling. The proposed car port and first floor side extension would therefore be acceptable.
9. A proposed two storey extension to the rear elevation would have two gabled roof elements, projecting by some 3.5m on its eastern side and 4.0m on its western side. That extension would also be clearly seen from the side windows and rear garden of no 23 and it would change the existing situation in terms of light and outlook. However, the side windows are not the principal windows to that room which are two sets of patio doors in the rear elevation. The rear extension would not project beyond the rear building line of no 23 and its kitchen/dining/family room and rear garden would retain good levels of light, outlook and privacy. The living conditions of the occupiers of no 23 would not, therefore, be significantly harmed.
 10. The proposed part single storey, part two storey extension to the western side elevation would be sited no closer to the western side boundary than an existing conservatory which would be demolished. The ridge height of the two storey element would be significantly lower than the existing main ridge and when seen from the adjacent property at no 19a, would be seen against the backdrop of the existing dwelling. That extension contains only a bathroom window at first floor level which could be subject to a condition for obscure glazing to ensure privacy to the neighbours. As such, the impact on the outlook, light and privacy of the occupiers of no 19a from the proposed western side extension would not be significant and that extension would also be acceptable.
 11. 14 The Cloisters is a detached bungalow whose rear boundary adjoins the western side boundary of the appeal site. The property is set at a lower ground level than the appeal site by some 0.5-0.6m and has a very small rear garden. The appellant's drawing RD5360-06 indicates that there would be some overshadowing of part the rear garden during the first part of the morning but that would be for only a small part of the day and would not affect the sitting out area closest to the dwelling. No windows are proposed in the western elevation of the proposed two storey rear extension and I am satisfied, therefore, that it would be acceptable in terms of light and privacy.
 12. However, the property has rear-facing lounge and bedroom windows which are the sole windows to those rooms and would face the rear extension at a distance of around 11m. The kitchen also has two rear-facing kitchen windows although I noted at my visit that it is also served by side-facing bifold doors. The proposed extension would project for some 4m parallel to the side boundary, set in some 2.5m from the boundary. It would be clearly seen from those rear-facing windows and from the rear garden.
 13. There are high evergreen shrubs and trees along part of the appellant's side boundary that currently provide a good level of screening between the two properties. The application states that those would be reduced in width and generally maintained and that new hedge planting will be carried out to the front and side boundary. However, the plans show a path around the perimeter of the dwelling, a rear door from the utility room and bifold doors in the living/dining room that would be very close to that planting. From what I

have seen I am not persuaded that all of those could be retained and even if they were or were replaced, they would only screen the proposal to eaves level. The additional projection at ridge height, given its length, height and proximity in relation to the neighbouring property, would be overly dominant when seen from the rear windows and garden of 14 The Cloisters. As two of those are principal windows and the property has such a small rear garden, it would significantly harm the outlook and the living conditions of those occupiers. The proposed two storey rear extension would therefore be unacceptable in that regard.

14. I have noted that a shorter two storey rear extension of up to 3m could be built as permitted development. Such an extension would have a similar impact on the occupiers of 14 The Cloisters although the level of harm would be less. It would not provide the same level of accommodation as proposed here and I have no compelling evidence that it is likely to be built if this appeal is dismissed. However, even if there was a likelihood of it being built, that does not provide sufficient justification for the significant level of harm that would be caused by the rear extension as proposed.
15. I conclude then that by reason of its siting, size and scale, the proposed two storey rear extension would be unacceptable as it would significantly harm the living conditions of the neighbouring occupiers at 14 The Cloisters in terms of outlook, contrary to LP policy 5.

Other matters

16. I have noted that the western side boundary to the front garden of the appeal site adjoins the Humberston Conservation Area (CA) but the Council has not raised any objection to the effect on the setting of the CA. From what I have seen, I have no reason to disagree with that assessment because the scheme has been designed to reflect the traditional character of the existing dwelling.
17. I have also noted concerns raised in regard to the adjoining boundaries but any damage to the boundaries of adjoining occupiers would be a civil matter that is beyond the scope of this appeal.

Conclusion and conditions

18. I conclude that the following elements: front extension, loft conversion, driveway alterations, new landscaping, first floor side extension with car port below and the two storey side extension would accord with the development plan and there are no material considerations that would outweigh this. As those are physically and functionally separate from the two storey rear extension, I shall issue a split decision to allow those elements subject to the conditions below. The appeal should be allowed insofar as it relates to those elements only.
19. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. To ensure the privacy of the neighbouring occupiers at no 19a, a condition requiring obscure glazing in the proposed side bathroom window is necessary. A condition to secure the implementation of surface water drainage details prior to use of the development is necessary in the interests of sustainable water management. A condition for construction hours is necessary given the number and proximity of surrounding neighbours

to protect their living conditions in regard to noise and disturbance. The materials specified in the application are acceptable and a condition for that is unnecessary.

20. For the reasons given earlier, I conclude that the proposed two storey rear extension would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed insofar as it relates to that extension.

Sarah Colebourne

Inspector