
Appeal Decision

Site visit made on 13 September 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2016

Appeal Ref: APP/E2001/W/16/3152911

16 St Oswalds Close, Wilberfoss, East Riding of Yorkshire Y041 5LT

- 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 D Bowes against the decision of East Riding of Yorkshire Council.
 - The application Ref 15/03105/PLF, dated 1 October 2015, was refused by notice dated 18 January 2016.
 - The development proposed is erection of new dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the Council made its decision on the application, the East Riding Local Plan 2012-2029 Strategy Document (Local Plan) has been adopted. Consequently, the other plans referenced in the reasons for refusal have been replaced and the Council has confirmed that the relevant policy for the appeal is Local Plan Policy ENV1. I have dealt with the appeal accordingly.
3. The appellant has submitted with the appeal, plans dated 17 March 2016 for an alternative scheme for the site (numbered 1547 100 P02 and 1547 101 P01) and I understand that a further planning application has been made on the basis of these plans. The plans were not before the Council when it made its decision and were I to determine the appeal on this basis, it is possible that interested parties who might wish to comment would be prejudiced¹. I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.

Main Issues

4. The main issues for the appeal are:
 - The effect of the proposal on the living conditions of the occupiers of 16 St Oswalds Close and future occupiers of the proposed dwelling, with particular reference to outlook and the provision of private amenity space; and

¹ Annex M of the Procedural Guide Planning Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

- The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions

5. The proposed dwelling would be situated adjacent to the host dwelling, 16 St Oswalds Close, occupying what I saw at my site visit to be open garden ground. The host dwelling has several windows facing towards the appeal site, the closest of which is stated by the Council to be about 5.7 metres from the flank gable wall of the proposed dwelling. This figure is not disputed by the appellant. Consequently, the outlook from these windows towards the flank gable wall of the proposed dwelling would be poor and additionally, the proposed dwelling in such close proximity, would give rise to an unacceptable sense of enclosure for the occupiers of No 16. I have considered the appellants comments that the outlook from the windows on the north and east elevations of No 16 are of secondary importance to those of the south and west elevations of the extended bungalow, which look out onto the retained rear garden and that the consideration of outlook is subjective. Nevertheless, I consider that the proposal would give rise to unacceptable living conditions to the occupiers of No 16 in this regard.
6. The proposed dwelling would occupy a significant proportion of its plot and an area of irregularly shaped rear garden would be provided. Whilst this would be relatively wide, it would be shallow and tapering in depth, to a maximum of about 5 metres. I note the comments that the rear of the property faces south and the garden could be designed so as to be pleasing, quiet and secluded and that there are no policies regarding the provision of private amenity space. I find the limited depth of garden and its shape is such that the private amenity space proposed would be of limited practical use. However, I do not consider it inadequate.
7. The outlook from the rear rooms of the proposed dwelling would be over the shallow rear garden to the nearby site boundary, which is presently marked by hedging and a fence, with a footpath beyond. Consequently, the outlook from these ground floor rooms would be poor due to the close proximity to the site boundary.
8. To conclude on this matter, I consider that the proposed development would have an adverse effect upon the living conditions of the occupiers of 16 St Oswalds Close and would not give rise to adequate living conditions for the future occupiers of the proposed dwelling in terms of outlook. The proposal is contrary to Local Plan Policy ENV1 which is concerned with design and includes that development has regard to the amenity of existing or proposed properties. The proposal also conflicts with the National Planning Policy Framework, which in paragraph 17 includes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

9. I saw at my site visit that the appeal site is situated at the head of a cul de sac in an area where there is some variety in the type, age and scale of dwellings. The appeal property forms part of a group of bungalows with two storey dwellings nearby. The proposed dwelling would be sited within an open area of

front garden which, along with the spacing of the existing bungalows, contributes to the open and spacious character of the street.

10. The proposed one and a half storey dwelling would occupy most of the open front garden in close proximity to the host dwelling. This would erode significantly the open and spacious character of the street. Whilst I note that the appeal site is private land and the comment by the appellant that it could be enclosed, the open garden area nevertheless makes a positive contribution to the character and appearance of the area. The proposal would also give rise to development of a cramped appearance which would be incongruous with the more spacious layout of neighbouring properties. Whilst the proposed dwelling may be viewed as a visual termination of the road, the appeal site is not in a conservation area and no trees would be affected, I find the proposed dwelling harmful to the character and appearance of the area, contrary to Local Plan Policy ENV1, which includes that development should have regard to the specific characteristics of the wider context of a site and the character of the surrounding area.

Other matters

11. I have taken into account that the proposed dwelling would be situated within the existing settlement, but this does not change my conclusions on the appeal.

Conclusion

12. For the reasons given above and having considered all matters raised, I consider that the appeal should be dismissed.

Philip Lewis

INSPECTOR