

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/16/3152590

42 Warton Avenue, Beverley, East Riding of Yorkshire HU17 0JB

- 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 the Avocet Trust against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/15/03863/PLF, dated 10 December 2015, was refused by notice dated 6 April 2016.
 - The development proposed is described as erection of a detached bungalow in the rear garden of 42 Warton Avenue, Beverley including removing existing vehicular access and creating new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has set out in its statement that since it issued its decision in respect of the application, it has adopted the East Riding Local Plan 2012-2029 Strategy Document (Local Plan) and that the policies of the Beverley Borough Local Plan and the Hull and East Riding Joint Structure Plan have been revoked. Consequently, the Council is relying only on Policy ENV1 of the Local Plan in this appeal.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether occupiers of the proposed dwelling would experience adequate living conditions with particular reference to the provision of and privacy of external amenity space and whether the proposed development would give rise to any dominating effects for the occupiers of 40 and 42 Warton Avenue.

Reasons

Character and appearance

4. The appeal site is situated to the rear of both 42 Warton Avenue and 32 Windsor Close and has a frontage onto Windsor Close. I saw at my site visit that the appeal site includes a single garage. I observed that the character of
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the area is residential, with dwellings in the vicinity of the appeal site being typically two storey in scale, with some uniformity in layout. I noted that the plots of dwellings are typically generous in size, relatively narrow in width with long rear gardens.

5. The proposed single storey dwelling would be situated on a part of Windsor Close where the street scene on that side consists predominantly of the rear gardens of 42 Warton Avenue and 32 Windsor Close. The modest sized proposed dwelling would be sited close to the boundary with the retained garden of No 42 and the boundary with the garden of No 40 Warton Avenue. The remainder of the plot would be taken up with car parking and external amenity space.
6. The proposed dwelling would be of a considerably smaller scale than those nearby and would cover a high proportion of its plot. It would be laid out with its principle external amenity space to the side with very little rear garden and in close proximity to the footway. Consequently, it would not accord with the established pattern of development in the area and would appear as an alien and incongruous feature in the street scene, rather than having a neutral effect as has been put to me. Whilst the proposed dwelling may not be dissimilar in size to a double garage, a dwelling would not have the same effects on the character and appearance of the area as a curtilage building due to its appearance. I do not consider that the proposed and retained boundary treatments would mitigate the harm identified.
7. I have considered the appellants comment that there is variety within new housing developments and have taken account of the character of the existing dwellings in the area and the uniformity in their appearance. I note the comment that gardens in the area are relatively large and that less space would be required for a 2 bedroom dwelling. I also note the comment that the property could be promoted under the Lifetimes Homes Criteria. However, these matters do not lead me to a different conclusion.
8. To conclude on this matter, I consider that the proposed development would be harmful to the character and appearance of the area. The proposal is therefore 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.

Living conditions

9. In terms of external private amenity space, the proposed dwelling would be provided with a modest area to the side of the dwelling, adjacent to the proposed car parking area. This area would largely be enclosed by fencing, planting and the proposed dwelling and its size would affect its usefulness. Due to the proximity of the proposed dwelling to the site boundaries, the space to the sides and rear of the proposed dwelling would be of little practical use. However overall, given the scale of the dwelling proposed, I do not consider that the provision of external amenity space to be inadequate. The retained garden of No 42 would include a parking area which would leave an irregular shaped amenity space. However, I consider that the extent of the provision of external amenity space for No 42 to also be adequate.
10. In terms of privacy, the main area of external amenity space for the proposed dwelling should not be significantly overlooked by neighbouring dwellings given

its position within the plot screened by the proposed dwelling and the boundary treatments. I consider that as the proposed dwelling is set in off the boundaries of the site and due to its limited height, it would not give rise to dominating effects for occupiers of Nos 40 and 42 and their gardens.

11. The proposed and retained dwellings would be provided with sufficient external private amenity space to provide adequate living conditions for their occupants and the proposal would not give rise to dominating effects for neighbours. The proposal therefore does not conflict in part with Local Plan Policy ENV1 which includes that development has regard to the amenity of existing or proposed properties. The proposal also does not conflict in this regard with the National Planning Policy Framework (the 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. This does not however outweigh my findings in respect of character and appearance.

Other matters

12. I have considered the appellants comments that the appeal site is situated within settlement limits where the local plan focuses new development, that the proposal would widen housing choice and that no objections have been received. I have also considered the housing and design policies of the Framework and the Councils Householder Design Guide, which have been referred to me by the appellant, but these have not led me to a different conclusion.

Conclusion

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

Philip Lewis

INSPECTOR