
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/16/3152978

**Neashas Place, 1A Carnaby Close, Leconfield, East Riding of Yorkshire
HU17 7LA**

- 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 Neasha Palmer against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/15/03990/PLF, dated 22 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In its statement the Council confirmed that the East Riding Local Plan 2012-2029 Strategy Document (Local Plan) was adopted in April 2016, after it had determined the planning application. Consequently, as the other development plans referenced in the reasons for refusal have been replaced, the Council relies upon Local Plan Policy ENV1 only in this appeal.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the future occupiers of the proposed dwelling would experience adequate living conditions with particular reference to any enclosing effects.

Reasons

Character and appearance

4. The proposed single storey dwelling would be situated in the largely enclosed garden of 1A Carnaby Close, a detached bungalow sited on the corner of Carnaby Close and Grange Road. No 1A is a later addition to an established estate. I saw during my site visit that whilst there is some variety in the age, type and scale of dwellings in the area, there is some uniformity in the layout of dwellings.
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5. The modest one bedroom dwelling would occupy a significant part of a relatively small plot of land sited between the host dwelling, a curtilage building and Carnaby Close, in what is a prominent location in the street scene. The proposed dwelling would be sited to the rear of the existing dwellings further along that side of Carnaby Close. Whilst I have considered the statement that the proposed dwelling occupies about 33% of the appeal site, I find that given the size of the proposed building, its proximity to Carnaby Close, its small plot and prominent location to the rear of the established dwellings, it would give rise to an uncharacteristic and cramped form of development within the street scene. Consequently, whilst the proposed bungalow would be sited adjacent to the host dwelling, a later addition to the estate, I do not find it to be in keeping with the character and appearance of the area.
6. I have considered the comments by the appellant regarding the layout of the military housing in the area and nearby open space, that the host bungalow has reused military land which is not of high environmental value and concerning the efficient use of the site but find that the proposed dwelling does not accord with the established pattern of development in terms of its scale, plot size or layout. 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

7. The proposed bungalow would be situated within the relatively narrow appeal site. It would be about 1 metre from the proposed 2 metre high boundary fence with the host dwelling and in close proximity to the existing 2 metre high boundary wall to Carnaby Close to the side. The other boundary would be formed by a neighbouring garage. The proposed dwelling would therefore be enclosed by the existing and proposed boundary treatments.
8. The outlook from the proposed lounge would be over the garden which would be of a sufficient length to ensure that the outlook would be adequate and that there would not be an unacceptable sense of enclosure for the occupants of the room. The proposed kitchen and bedroom however would be in close proximity to the proposed car parking area and look towards the neighbouring garage which would give rise to a significant sense of enclosure and a poor outlook for the future occupiers of the proposed dwelling.
9. I therefore consider that the future occupiers of the proposed dwelling would not experience adequate living conditions due to the sense of enclosure which would arise. The proposal is contrary to Local Plan Policy ENV1 which is concerned with design and includes that development should have regard to the amenity of existing or proposed properties. The proposal also does not accord 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.

Other matters

10. I have considered the evidence regarding the planning history of the site. In respect of the planning permission which included the host dwelling, I note that this was implemented in part and the bungalow constructed was subsequently

extended. Whilst it is clear that the site of the host dwelling was capable of accommodating two bungalows as approved and I note the evidence regarding the title number for the appeal site, the circumstances have since changed with the construction and subsequent extension of the host dwelling and I must consider the appeal as per the present circumstances. I note also differences in the plot size and layout of the development previously approved compared with the appeal scheme. There is no dispute however regarding the principle of residential development within the settlement of Leconfield and I have considered the appeal proposal on its merits.

11. I have taken into account the comments by the appellant in respect of the transport links available to Beverley and Driffeld and employment opportunities there, the sustainability of the location, that the bungalow would suit an elderly or disabled person and that the appellant intends to live in one of the bungalows and sell the other. These matters do not however lead me to a different conclusion.
12. I have considered the policies of the Framework cited by the appellant in respect of the presumption in favour of sustainable development, concerning the reuse of land in settlements and design. However, given the harm found, I do not consider that the appeal scheme constitutes sustainable development for which there is a presumption.

Conclusion

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

Philip Lewis

INSPECTOR