
Appeal Decision

Site visit made on 20 September 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 7th October 2016

Appeal Ref: APP/E2001/W/16/3152448

46 Beverley Road, Hessle, HU13 9BL

- 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 Mike Rogers against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/01047/PLF/WESTES, dated 29 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is the erection of a dwelling in the garden of 46 Beverley Road Hessle.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular reference amenity space, outlook and daylight and sunlight; and
 - The effect of the proposal on the living conditions of neighbouring occupiers at 46 and 48 Beverley Road with particular reference to amenity space, outlook and daylight and sunlight; and
 - The effect of the proposed car parking arrangements on pedestrian safety.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of No 46 which is on the corner of Beverley Road and Northolme Road. It is separated from the houses on Northolme Road by a rear access way which serves the properties fronting Beverley Road. There is currently a large detached garage on the site which is enclosed by a high mature hedge. The appeal proposal concerns the replacement of the garage with a two bedroom dwelling and is a re-submission of a previous proposal.

4. The proposed house would be sited towards the rear of the plot and would be 6.4 metres wide and 9.2 metres long. It would be set 1.1 metres off the boundary with No 48 and 1.5 metres off the shared boundary that would be created with the host dwelling at No 46. A 2 metre high fence would be erected to the rear and flank boundaries of the site. Additionally a 2.4 metre high wall would be provided forward of the house on the boundary with No 46. The proposed decking and lawn to the front of the house would also be enclosed by a 2 metre high fence with a gate leading to a parking space alongside the footpath.
5. The site is adjacent to 1 Northolme Road which is a semi-detached house at the end of a row of similar properties on the north side of the street. These have gable ends with bay windows and display a regular well spaced suburban layout. They are generally uniform in character with front gardens behind low front boundary enclosures. There is a roundabout west of the appeal site, but this general pattern of development is replicated on Beverley Road. There is a short row of more recently constructed terrace houses opposite the site on the south side of Northolme Road. These have flat fronted rendered front elevations and I note the appellant's view that they fail to reflect local distinctiveness.
6. Even so, rather than being seen as part of the street scene on the south side of the road where the terrace is, the appeal site sits in the immediate context of the properties facing the road on the north side of Northolme Road. The appeal proposal would be close to this row and seen to some extent as a continuation of it. In contrast to the existing two storey houses there, the appeal proposal would introduce a smaller detached house which at 1.5 storeys high would be lower than those nearby. I saw no other examples of similar detached dwellings in the vicinity of the appeal site.
7. Although it would generally respect the front building line of the houses in Northolme Road, the proposed dwelling would be positioned close to the site's flank boundaries and to the rear of the host property. With only limited space around it the house would appear somewhat cramped in its modest plot and out of step with the existing more spacious pattern of development nearby. As such it would stand out as an incongruous feature that would be out of place in the street scene and unsympathetic to its surroundings.
8. The appeal site's hedge is an attractive feature that contributes to the character of the area and would be partially removed as a result of the scheme. That said, I appreciate that it is not protected and could be removed without the need for planning permission. The front garden would be the only amenity space for the proposed house and so would be likely to be used for domestic paraphernalia including washing lines and outdoor furniture. Whilst I note the Council's concerns, I see no reason why this would necessarily appear out of place in a residential context or be unduly harmful to the character and appearance of the area. In any event, any such paraphernalia would for the most part be screened from view from the road by the proposed 2 metre high fence. Additionally, although the frontage of the proposed house would be used for car parking, I saw at my visit that this is not unusual in the area. There are cars parked on drives in front of the other properties nearby, including at the terrace opposite where the houses have no front amenity space.

9. However, despite being set back from the edge of the footpath behind the car parking space, the proposed tall front boundary fence would itself appear as a prominent and discordant feature. It would be obvious in street scene where front boundary enclosures are generally low in height and open views of the fronts of the dwellings are for the most part possible.
10. The appellant considers that a 2 metre high fence could be constructed in the location shown (rather than on the boundary immediately adjacent to the highway) without the need for planning permission. The Council disagrees and considers that planning permission would be required. Be that as it may, I see no reason why this fallback position would be undertaken, or what purpose it would serve in the absence of the appeal scheme. Thus, I have no substantive evidence to indicate that there is a significant probability that such a fence would be constructed should this appeal be dismissed. Accordingly, I afford this fallback position very little weight.
11. Whilst I note the appellant's suggestion that a 1 metre high fence could be erected to lessen concerns of visual amenity, it is not clear where this would be positioned. In any case, I cannot see that it would be sufficient to overcome the matters I have outlined or to mitigate against the scheme's unacceptable visual impact.
12. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to East Riding Local Plan Strategy (Local Plan Strategy) Policy ENV1 which supports developments that are designed with regard to the characteristics of the site's wider context, and have an appropriate scale, density, massing, height and material. It would be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to seek to secure high quality design. It would also fail to support paragraphs 56, 58 and 64 of the Framework which require good design, along with paragraph 53 which allows local authorities to resist inappropriate development of residential gardens where it would cause harm to the local area.

Living conditions of the future occupiers

13. Decking and a lawn would be provided to the front of the proposed house. This amenity area would be enclosed by a 2 metre high fence to the south and east and by a 2.4 metre high wall to the west. Although I have not been provided with any particular standards or guidelines as to the Council's requirements for a two bedroom dwelling in this regard, the garden space would not be large. Despite this, it would in my view just about provide adequate space for normal domestic activities such as hanging washing outside to dry, or to sit and enjoy the outdoor environment.
14. The proposed garden would be in the same location in terms of its relationship with the road as that of the host property's side garden (which is used as its main amenity area). That said, whilst it would be screened from public view and private, given its limited size and the high boundary enclosures on all sides, in my view the future occupiers would be likely to experience an undue sense of enclosure within the garden and to feel somewhat hemmed in here. This would limit the practical use and enjoyment of the garden space.

15. The windows to the study and bedroom on the ground floor of the proposed rear elevation of the house would be very close (around 1.1 metres) from the boundary of the site with No 48. This being so, they would look out on to the proposed 2 metre high boundary fence there at very close quarters. This relationship would also seriously limit the amount of daylight and sunlight reaching these north facing rooms which would be unduly gloomy and dark as a result. Whilst I note the appellant's view that these are not habitable rooms they would nevertheless be likely to be occupied for a good deal of the day.
16. I therefore conclude on this issue that the proposal would fail to provide adequate living conditions for future occupiers, with particular reference to amenity space, outlook and daylight and sunlight. This would be contrary to Local Plan Strategy Policy ENV1 which requires proposals to have regard to the amenity of existing or proposed properties (4). It would also conflict with the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Living conditions of the occupiers of Nos 46 and 48

17. A garden area would be retained for No 46 to the side of the house. The Council is concerned that this would be insufficient for a 3 bedroom dwelling. As set out above, I have not been provided with any particular Council guidelines in relation to garden size. I accept that part of the retained space to the side of No 46 would be taken up to provide off street parking and the remaining area of garden would not be spacious. However, combined with the existing front garden facing Beverley Road which would remain unaltered, I am content that, on balance, the occupiers of No 46 would have sufficient useable garden space for normal domestic activities. As such, I do not regard this in itself to be a reason to resist the appeal scheme.
18. The flank wall of the proposed house would be around 4.3 metres from the rear of No 46. It would be 3.2 metres high to its eaves and 5.8 metres high to the ridge of the roof of both the main house and that of the side dormer window. It would be around 9.2 metres deep and sited around 1.5 metres off the boundary. As such, it would be in rather close proximity to the rear windows and garden area of No 46 from where it would be appreciated as a bulky and obtrusive feature. It would extend along much of the depth of the plot and its overall length and height close to the boundary and to the rear of No 46, would result in it being seen as an unacceptably large and dominant structure. It would also lead to some loss of daylight and sunlight to No 46's rear ground floor windows and garden area. I appreciate that the existing garage is already close to the rear of No 46 and is seen from the rear windows and the garden there. However this existing single storey structure is much lower in height and less substantial in size than the proposed dwelling, and is also ancillary to the use of the host dwelling.
19. The proposed side dormer is not particularly large and I note the appellant's view that bigger additions could be made under permitted development rights. The dormer's window would serve a bathroom and a condition could ensure it would be obscure glazed and non-opening. Even so, these factors would not lessen the scheme's unacceptable impact on the occupiers of No 46 as described. I acknowledge that No 46 is owned by the appellant and note his view that its main rooms are to the front and side of the house and would be unaffected. Nevertheless, these matters do not alter the harmful effects I have identified and are not reasons to allow unsatisfactory development.

20. The proposed house would also be located close to the boundary with No 48 to the north (around 1.1 metres). Although the existing garage is on this boundary and already shares a close relationship with No 48's rear garden, the appeal scheme would introduce a taller and larger structure near to the boundary. To my mind it would lead to some loss of daylight and sunlight to No 48's rear garden which is already somewhat enclosed by existing structures. That there are no objections to the scheme from the occupiers of No 48 does not alter my view.
21. I therefore conclude on this issue that although the proposal would provide adequate amenity space for No 46, it would be harmful to the living conditions of neighbouring occupiers at Nos 46 and 48 with particular reference to outlook and daylight and sunlight. This would be contrary to Local Plan Strategy Policy ENV1 which requires proposals to have regard to the amenity of existing or proposed properties (4). It would also conflict with the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Car parking and pedestrian safety

22. A car parking space would be provided to the front of the proposed house parallel to the adjacent footpath. This would be accessed via the existing rear access way between the appeal site and the houses in Northolme Road, the use of which by vehicles is well established.
23. On the basis of the proposed 2 metre high front boundary fence being provided to the rear of the parking area as indicated, I see no reason why pedestrians on the footpath would be obscured from the sight of the driver of a car exiting the proposed space. The removal of the existing high boundary hedge (which is at the back edge of the footpath and currently obscures views of it) would improve visibility for drivers leaving the rear access way and would benefit all the users of the rear access way.
24. That said, the submitted plan shows a vehicle entering the rear access way in a forward gear and then reversing into the proposed parking space, after which the appellant considers the vehicle could leave the space in a forward gear. However, the Council doubts that such a manoeuvre would be possible. Due to the proposed boundary enclosures and narrow width of the rear access, it is concerned that an average sized vehicle would not be able to turn directly from the proposed parking space into the rear access way and onto the highway. Rather, it considers that cars would have to reverse out on to the highway and across the footpath.
25. From my own observations on site, it seems to me that the narrow width of the rear access way would be unlikely to provide sufficient space for a vehicle to turn right out of the parking space and into the access way in a single movement (without overrunning the site's frontage onto the footpath, or undertaking a number of backward and forward movements). Although the initial manoeuvre to gain access to the site is shown on the submitted plan, I have seen no drawing or swept path analysis to demonstrate that it would be possible to exit the parking space in a forward gear as suggested by the appellant.

26. In these circumstances, I share the Council's concern that the parking arrangement for the proposed house may lead to cars reversing out from the rear access way onto the footpath to join the highway. This would severely restrict visibility for drivers who would be looking over their shoulder or using mirrors to see their surroundings.
27. Additionally, the existing house at No 46 would be accessed via a new access from Northolme Road over the footpath and grass verge. The Council is also concerned about the lack of pedestrian visibility splays for this. Even if the 2 metre high fence were not to be provided forward of the proposed house's garden and decking area, that part of the existing hedge west of No 46's proposed new access appears to be shown on the plans to be retained. This would restrict visibility here and mean that pedestrians would not be adequately seen by the drivers of emerging vehicles.
28. Vehicle movements associated with dwellings are relatively frequent and Northolme Road is a residential street which provides links to a bus route, a junior school to the east and other nearby facilities and services. Thus, I accept that pedestrian activity here is moderate/high as assessed by the Council. Both the proposed accesses would emerge at the back edge of the footway and would require emerging drivers to take account of people on the footway. In this overall context, I cannot be satisfied that either access would allow drivers to adequately see pedestrians and so consider that the proposal would be likely to lead to an increase in the potential for conflict between pedestrians and vehicles.
29. There are existing parking arrangements nearby whereby cars have to reverse onto the highway (sometimes between parked cars) including at the terrace of houses opposite the appeal site close to the roundabout. However, the Council advises that these properties have adequate visibility and wider parking spaces allowing better manoeuvrability than is the case for the appeal scheme. In any event, I confirm that I have considered the appeal proposal on its own planning merits and this existing development does not change my view that it would be unsatisfactory in relation to pedestrian safety.
30. I therefore conclude on this issue that the proposed car parking arrangements would be harmful to pedestrian safety. This would be contrary to Local Plan Strategy Policy ENV1 which requires proposals to promote equality of safe access, movement and use (8).

Other matters

31. The site is located in a residential area that is regarded by the Council to be a well established and sustainable location for development that is close to amenities in Hessle including bus routes. There are no objections from local residents. However, the absence of harm in these regards counts neither for, nor against, the scheme.

Conclusion

32. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR