

Appeal Decision

Site visit made on 25 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/E2001/W/17/3167487

Foss Dyke, Hull Road, Hornsea, East Riding of Yorkshire HU18 1RJ

- 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 Tiernan against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/00943/PLF/EASTNE, dated 17 March 2016, was refused by notice dated 19 July 2016.
 - The development proposed is the erection of a new dwelling on land east at Foss Dyke, Hull Road, Hornsea.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

3. Foss Dyke is one of three dwellings located on the northern side of Hull Road. All three are substantial properties set within spacious garden plots largely screened from view from Hull Road by extensive boundary hedging of varying heights. Although it is not disputed that the appeal site lies within the development limits for Hornsea, or within a predominantly residential area given the housing on the opposite side of Hull Road, Foss Dyke and the two adjacent dwellings are something of an anomaly in that they stand somewhat isolated on the northern side of the road, surrounded on three sides by open fields falling gently towards Hornsea Mere.
 4. The appeal site comprises a wedge-shaped segment of a large garden area at the front of the detached dwelling known as Foss Dyke. The site is set at a lower level than the rest of Foss Dyke's front garden, a gentle embankment broadly separating the two distinct levels and marking the approximate extent of the site. The northern site boundary is marked by sporadic vegetation and a small stream whilst the south eastern boundary, the road frontage with Hull Road, is marked by a brick wall with a substantial conifer hedge behind. The hedge is sufficiently dense and tall to largely screen the appeal site and existing property from view from Hull Road.
 5. The three existing dwellings on the northern side of Foss Dyke, whilst sharing little in common in terms of building style, are all set back from the roadside, largely screened behind substantial hedges and set within large garden plots. From my observation of the appeal site I agree with the Council's contention
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that there is a distinct sense of spaciousness about the appeal site and Foss Dyke.

6. Further, from my street-side observations of the two adjacent properties that same sense of spaciousness is also carried over into those properties. Whilst I am persuaded by the appellant's argument that there is no distinct building line shared between these properties, to my mind that is not what creates the sense of spaciousness that I found to be evident, and a defining characteristic, of this group of three dwellings. In this sense, they are markedly different from the more modest dwellings set within smaller and more open plots on the opposite side of the road.
7. The proposed dwelling would be sited within the front garden area of Foss Dyke, significantly forward of that property, and also forward of the adjacent dwellings at Edgemere and Southorpe Lodge. Whilst there is no distinct building line shared between these three dwellings, they are all set back significantly from the roadside. They are all, however, relatively unobtrusive features within the streetscene and, moreover, they do not detract from the sense of spaciousness that I observed. Although there are buildings present within the front garden areas of all three properties, they are relatively small scale and often ancillary to the main house in the form of detached garages, greenhouses or sheds.
8. The proposed dwelling would differ significantly from the established pattern of development at this point, introducing a substantial built form in front of the other dwellings, and closer to the roadside boundaries than the detached outbuildings. It would also be a significantly larger structure than anything else within the property frontages of these three dwellings. Although of a more modest scale than the main houses at either Foss Dyke or Edgemere, the dwelling would nonetheless be a substantial one-and-a-half / two storey dwelling, both larger and more prominent than the bungalow at Southorpe Lodge, the south-western most of the group of three dwellings. It would also be significantly closer to the site frontage than the other three dwellings, presenting a substantial, and largely glazed gable elevation, and flank wall towards Hull Road, and its prominence would be incongruous within the otherwise spacious surroundings of this group of buildings.
9. I accept that the property at Foss Dyke would retain a generously sized garden. The same cannot be said however for the proposed dwelling. Instead, it would be set uncharacteristically close to the southwest boundary of the site with limited space around the rear of the building as a consequence. Furthermore, the front of the dwelling would be dominated by driveway, manoeuvring and parking area, to the extent that the proposal would lack any sense of spaciousness within the plot and around the dwelling itself. Putting aside the overall impact of the proposal on the wider sense of spaciousness evident across all three dwellings in this small group, the proposed dwelling itself would also fail to have regard to the specific characteristics of the site and its surroundings, or be of an appropriate scale and layout within that context.
10. It may well be the case that the existing hedge is somewhat out of keeping with other boundary hedges in the surrounding area because of its height. Certainly, it is far taller than other hedges and broadly comparable to some of the roadside and hedgerow trees to the northeast of the site. However, its removal would open up views into and across the site along a substantial

length of Hull Road and would emphasise the loss of spaciousness and harm to the character of this group of dwellings that would result from the proposed dwelling. Whilst the replacement of the hedge with what the appellant describes as '*a more appropriate species*' would carry modest weight in favour of the proposal, I have to balance that against the combined effect of the replacement hedge in the short to medium term as it becomes established and the siting of the proposed dwelling. In my judgement, this would compound the harmfully incongruous effect of the proposed dwelling.

11. Taken together therefore, these factors would result in the introduction of an incongruously jarring and unnecessarily prominent dwelling that would harmfully erode the sense of spaciousness that I find defines the properties at Foss Dyke, Edgemere and Southorpe Lodge. Thus, I consider the proposed dwelling would fail to safeguard or respect the character or appearance of the surrounding area and would have a harmful effect on the character of this group of three dwellings and the sense of spaciousness amongst and around them by virtue of the scale, siting and plot layout of the proposed dwelling. I therefore find that the proposal would be contrary to policy ENV1 of the East Riding Local Plan Strategy Document (ERLP) and would fail to achieve the high quality design sought by the National Planning Policy Framework (the Framework) as one of its core planning principles.
12. I acknowledge that existing ground levels within the site are lower than those of Hull Road, and that the proposed dwelling would be set slightly further back into the site than the previously refused scheme, extracts of which are set out in the appellant's Grounds of Appeal for comparative purposes. This would not, however, materially reduce the prominence of the proposed building in the proposed location, nor would it avoid the erosion of spaciousness typical of this group of dwellings. I conclude that these factors would not materially reduce the harmful effects of the proposal that I have identified above.

Other Matters

13. I note that the Council consider that the proposal would not cause harm to highway or pedestrian safety, drainage, biodiversity or impact upon heritage assets and I have no reason before me that would lead me to reach an alternative conclusion. With regard to residential amenity, I was able to view the appeal site from the rear garden area of 35 Hull Road, an existing dwelling on the opposite side of Hull Road to the site. Whilst there would be a line of sight from the southeast facing elevation of the proposed dwelling towards the rear garden of No 35, I am not persuaded that that would cause material harm to the amenities of occupiers of that property. I saw that the distances involved are considerable, the relationship between the two properties across the Hull Road and the open front and side garden of No 35 being far in excess of those which might reasonably be considered to result in harm from overlooking.
14. The absence of harm in these respects therefore carries some weight in favour of the proposal. So too does the Council's acknowledgement that the proposal would provide some economic benefits. Furthermore, whilst it is not ultimately disputed that the Council are able to demonstrate a five-year housing land supply, the proposal would nonetheless deliver an additional dwelling, thereby contributing in a limited manner to the social dimension of sustainable development. However, the harm that I have identified above in terms of the

effect of the proposal on the character and appearance of the surrounding area – the environmental dimension of the three dimensions of sustainable development set out in the Framework – clearly and demonstrably outweighs these benefits.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR