
Appeal Decision

Site visit made on 13 June 2017

by R A Exton Dip URP MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/V2004/W/17/3171654

Yard 157 Spring Bank, Kingston-upon-Hull HU3 1BN

- 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 Craig Des Forges against the decision of Kingston-upon-Hull City Council.
 - The application Ref 16/01731/FULL, dated 9 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is described as demolition of dilapidated former residential building & erection of proposed new semi detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal provides a satisfactory standard of living accommodation for future occupiers.

Reasons

3. The application site is situated to the rear of a terraced row on the southern side of Spring Bank. The row comprises local shops and services at street level with some residential uses above. Properties towards the western end of the row have rear pedestrian access by means of a narrow passage that passes in between them and the application site. The application site itself comprises a yard accessed off West Parade and bounded to the north, west and south by a block wall in excess of 2m in height. A dilapidated two storey building stands in the north-east corner of the site and forms part of the north and eastern boundaries. Gates in the eastern boundary open onto a smaller yard and associated store that do not form part of the application site.
4. The proposed dwellings would occupy approximately the same position and be of a comparable size to the two storey building to be demolished. They would be provided with pedestrian access along the passage also serving the rear of properties on Spring Bank. The pedestrian access would then wrap around western, southern and eastern walls of the proposed dwellings, providing access to them and Nos 157 and 159 Spring Bank to the east. This route would be enclosed by a new 2.3m high brick wall as it passes along the western and southern elevation of the proposed dwellings. To the eastern elevation there are enclosing walls of a similar height.

5. The main living/kitchen area of each dwelling is situated on its ground floor. In 'dwelling 1' this would be served by a single window on the southern elevation. The 2.3m boundary wall enclosing the pedestrian access would be sited 1m in front of this. Only a portion of the top two panes of the window would project above the wall. In dwelling 2 the living /kitchen area would be similarly served by a single window on the eastern elevation. This would look out onto a small yard to the rear of No 157 formed by the rear projections of No 157 and adjoining buildings and a wall some 2m in height.
6. I consider that these arrangements would result in a very poor standard of accommodation for occupiers of the proposed dwellings. The only window in a main habitable room facing onto a blank wall 1m away in the case of 'dwelling 1', and onto an enclosed yard in the case of 'dwelling 2' would create a very poor standard of outlook and limited amount of daylight for occupiers.
7. The proposal includes a retained access to the yard and store to the east of, but outside the appeal site. This would pass along the south elevation of the proposed dwellings and be separated by the 2.3m wall described above. At the time of my site visit the yard and store were in use as builder's storage. There is no evidence of the operation of the yard or store having an adverse effect on neighbouring occupants. However, the current situation does not necessarily reflect what might happen in future.
8. Whilst the appellant is correct that a change of use may require planning permission, as an established use, the yard and store could be used for the same purpose, but in a more intensive way and this may not require planning permission. Although this may not be the appellant's intention, there is a reasonable likelihood that it could be exercised by a future owner or occupier of the neighbouring commercial yard.
9. In those circumstances, the amount, frequency and type of vehicle movements through the site to access the yard together with the level of activity within it could increase significantly. Given the close proximity of the access, yard and store to the proposed dwellings, this could give rise to a significant level of noise and disturbance to occupiers of the proposed dwellings and if this were to come about it would have an unacceptable effect on the living conditions of the occupants of the proposed dwellings.
10. In this regard I note the appellant's suggestion of a condition controlling hours of access. While this would mitigate any effect to a certain extent, it could not control the amount, frequency and type of vehicle movements through the site during the hours it was operational and nor could it control the level of activity within the neighbouring commercial property.
11. In light of the above, the proposal would be contrary to Policy H1 of the Hull City Plan 2000 (the City Plan) which requires proposals for new residential development to incorporate appropriate standards of amenity. This is consistent with the content of the National Planning Policy Framework insofar as it relates to seeking a good standard of amenity for all future occupants. As Policy BE1 of the City Plan requires only consideration of the protection of amenity of existing occupiers I do not find that the proposal conflicts with this.
12. Due to their siting, the proposed dwellings would have a close relationship with the existing shops and services on Spring Bank, in particular those with which they would share a pedestrian access. The nature of the businesses I observed

included shops, hot food takeaways and offices. These would be unlikely to cause significant disturbance to occupiers of the proposed dwellings through their day to day operation due to most activity taking place on the Spring Bank street frontage. The narrowness of the shared pedestrian access is such that I consider it unlikely to be used for deliveries. Consequently, there would be limited noise and disturbance arising from its use. Overall, I do not consider that the relationship with the businesses on Spring Bank would result in a poor standard of accommodation for occupiers of the proposed dwellings, albeit that this does not alter my conclusions regarding occupants' living conditions as outlined above.

Other matters

13. I note the changes that have been made to the proposal since the previous application on the site was refused. However, I have determined the appeal on its own merits based on the evidence before me and consequently these matters carry limited weight. I also note that site is located within the Spring Bank Conservation Area (SBCA). Nonetheless, subject to appropriate materials and detailing, I agree with the Council that the proposed development would preserve the character and appearance of the SBCA.

Conclusion

14. I note the proposal's compliance with other policy objectives and the preservation of the character and appearance of the SBCA. However, these matters do not alter the inadequacy of the standard of living accommodation that would be created and the consequent conflict with the development plan. Accordingly, I consider that the development cannot be viewed as sustainable development when taken as a whole. In light of this and taking all other matters raised into account I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR