



Appeal Decision

Site visit made on 13 June 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 3 July 2017

Appeal Ref: APP/E2001/W/17/3171060

Scottwil, Main Street, Newton upon Derwent YO41 4DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mike Reay against the decision of East Riding of Yorkshire Council.
 - The application Ref 16/01812/PLF, is dated 25 April 2016.
 - The development proposed is described as: "Erection of 4 dwellings following demolition of existing dwelling (Re-submission of 15/03649/PLF)".
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Decision

1. The appeal is dismissed and planning permission for "Erection of 4 dwellings following demolition of existing dwelling (Re-submission of 15/03649/PLF)" is refused.

Procedural Matter

2. I have taken the description of development from the appeal form. Although this differs from that given in the application form, it more accurately describes the proposed development.
3. The appellant has confirmed that the appeal should be based on the scheme which was originally applied for, not the subsequent amendments which reduced the number of houses by one. The Council has no objection to this, and I am satisfied that the correct notifications have been sent to interested parties. I have, therefore, considered the appeal on this basis.
4. The Council has confirmed that it would have refused the application for the following reasons:
 - 1) The dwellings fronting Main Street would be one and a half storey and would be of a style and design which would not reflect the character of the surrounding area. The southernmost dwelling fronting Main Street would have a large gable expanse which would be highly visible when travelling northwards along Main Street. This dwelling would have a large sloping roof with eaves that would be 2.7m high which would not be in-keeping with the character of the surrounding development on Main Street. This dwelling would also have a veranda to the front which is not a characteristic feature of the surrounding area. The rear dwelling would be set back 36m from the highway and would be visible from Main Street behind the other proposed dwellings which would obstruct the views of the open countryside. It would also be of a scale which would dominate the proposed three dwellings

fronting onto Main Street. This would result in inappropriate back land development which is not typical of the village which has a strong linear character, and would alter the character of the village resulting in significant harm to the character of Main Street.

For this reason the proposed development would be contrary to Policy ENV1 of the East Riding Local Plan which includes provisions for all development to have a high quality of design that safeguards and respects the character and appearance of the surrounding area through their design, layout, materials, construction and use, has regard to sites wider context and character of the surrounding area. The proposal is also contrary to policy S4 of the East Riding Local Plan which only supports new dwellings in defined villages where the proposal does not detract from the character and appearance of the village.

These policies are consistent with the requirements within the NPPF which promotes the enhancement and improvement of places through high quality inclusive design which functions well, contributes positively to making places better for people, adds to the overall quality of the area reflecting local character, with new development to integrate well into the surrounding environment. Paragraph 64 of the NPPF indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. The design of this scheme is harmful to the character and appearance of the village and therefore cannot be considered sustainable development.

- 2) The application is not accompanied by any ecological assessment. Consequently the proposal does not contain sufficient information for the Council to determine whether or not the development would have an adverse effect on legally protected species such as great crested newt and bats. As such there is insufficient information on which to make an informed judgement about the impacts on local wildlife or ecology. Due to the lack of ecological information submitted with the proposal the application is contrary to policy ENV4 of the ERLP and the provisions of the National Planning Policy Framework in respect of ecology.

Main Issues

5. The main issues are: (i) the effect of the development on the character and appearance of the area and; (ii) whether the development would have an adverse effect on protected species.

Reasons

Character and Appearance

6. The appeal site is located within the village of Newton upon Derwent. It comprises a rectangular parcel of land, which is currently occupied by a bungalow. The site faces onto Main Street and is bounded to the front by a wall set behind a grass verge, with a single point of access. There is development either side and open fields lie to the rear.

7. The village layout is largely linear but informal, with residential development of varying size and design set within mostly generous plots. The gaps between the development, the grass verges and the informal layout contribute to the rural character of the village.
8. The proposal is for the demolition of the bungalow and the erection of four detached houses. Three of the houses would front onto Main Street, each with a driveway and parking area. The fourth house would be sited to the rear of the other houses, with access via a private driveway from Main Street. The construction of the four separate driveways, and the associated parking areas, would require the removal of the majority of the wall and a large proportion of the grass verge at the front of the site. The new driveways and the extensive areas of hardstanding would have an urbanising impact of the street scene, which would not be compatible with the rural character of the village.
9. The two bedroom dwellings at the front of the site would be designed in the cottage style and, in isolation, their proportions and scale would be reflective of the surrounding development. However, the three bedroom dwelling would project forward of the neighbouring property by a substantial distance and its broad gable would appear prominent in the street scene. I appreciate that some houses along Main Street do extend up to the road, but these are generally set within spacious plots and they contribute to the informal layout and character of the village. In contrast, the proposed three bedroom house would be part of a relatively dense development that would not reflect the established character of the area, and its design would be at odds with the surrounding development.
10. The three houses at the front of the site would be dominated by the large, five bedroom house at the rear. This would be visible due to its scale and height, and it would contribute to the cramped appearance of the development. The proposed houses would not relate well to each other, and the development would fail to complement the street scene. Overall the development would not have regard to the specific characteristics of the site's wider context and the character of the surrounding area, in terms of the layout, scale and design of the houses and their means of access.
11. To conclude on this issue, I find that the development would be harmful to the character and appearance of the area. It would not accord with Policies S4 and ENV1 of the Local Plan,¹ which seek to protect the character and appearance of the village and promote high quality design that optimises the potential of the site and contributes to a sense of place. The development would not meet the aims of the National Planning Policy Framework as it would not take the opportunity to improve the character and quality of an area and the way it functions.

Protected Species

12. The Council's Nature Conservation Officer has objected to the proposal on the basis that there is insufficient information to determine whether or not the development would have an adverse effect on bats, which are a protected species. The Council considers that the features present within the building suggest there is a high likelihood that it may be used by bats in the summer.

¹ East Riding Local Plan 2012-2029 Strategy Document, adopted April 2016

Also, a neighbour reports seeing bats entering the eaves of the existing bungalow.

13. There are also concerns about the potential impact on Great Crested Newts, which the Parish Council and a previous resident believe may be present on the site. The appellant refers to a survey by a local environmental company in relation to newts, which found several ponds within 500m of the site. However, I am not provided with a copy of this survey and it is unclear whether or not newts are likely to be present.
14. To conclude on this issue, I find that there is a reasonable likelihood that protected species are present on site, and it has not been demonstrated that there would be no harm to protected species or their habitat. Consequently, the development would be contrary to Policy ENV4 of the Local Plan, which seeks to conserve and increase populations of priority species.

Conclusion

15. There would be some limited benefits to the proposal in that the houses would contribute to the housing supply, and future occupiers may support local facilities. However, these benefits would not outweigh the harm, as set out above.
16. For the reasons given above, the appeal is dismissed and planning permission is refused.

Debbie Moore

Inspector