



Appeal Decision

Site visit made on 18 July 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 07 August 2017

Appeal Ref: APP/V2004/W/17/3174334

Land at 33 Lowgate, Sutton, Hull HU7 4US

- 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 N Hudgell against the decision of Kingston-upon-Hull City Council.
 - The application Ref 16/00371/FULL, dated 15 January 2016, was refused by notice dated 5 April 2017.
 - The development proposed is the construction of six town houses including car parking and external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed development on the setting of a locally listed heritage asset; whether the proposed development would preserve or enhance the character or appearance of the Sutton Village Conservation Area; and, whether the development would constitute an overdevelopment of the area.

Preliminary Matters

3. To avoid confusion between the proposed development and the cul-de-sac known as The Lawns to the west of the plot, I have adopted the description of the appeal site from the Land Registry's official copy of the register of title.
4. The Council has accepted that the appellant's signed and dated unilateral undertaking in respect of a financial contribution to open space provision addresses the third reason for refusal in the decision notice. Given my decision in this appeal I do not need to consider this matter further.

Reasons

Setting of Locally Listed Building

5. No 33 Lowgate is a locally listed building within the category of Strategically Important Buildings and Structures of Local Architectural or Historical Interest. It is a large and imposing building and is also an important element in the character and appearance of the Conservation Area. No 33 is detached from other properties and is framed by open land and mature trees to the east and west.

6. The proposed development would extend across the northern boundary of the appeal site and by reason of its height and width would obscure the view and would be significantly detrimental to the setting of the heritage asset at No 33.
7. Paragraph 128 of the Framework advises that applicants should describe the significance of any heritage asset affected by a development, including any contribution made by its setting, and potential impact of the proposal on its significance. As a minimum, the relevant historic environment record should have been consulted and appropriate expertise used. I have not seen any such assessment and I am therefore unable to determine any potentially positive aspects of the proposal on the setting of the heritage asset.

Conservation Area

8. The appeal site comprises an open plot within the curtilage of No 33 and lies at the convergence of Lowgate, College Street and Watson Street. To the south of the site lies the building at No 33, formerly The Lawns Social Club, which has been converted into a number of self-contained flats. The proposal is to build six town houses on the northern part of the site and to provide parking for the occupiers of these houses and No 33 in the southern part of the site.
9. The appeal site sits within the Sutton Village Conservation Area (the Conservation Area). As such I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
10. The Conservation Area was designated in 1974 and extended in 1994 to cover an area of 25 hectares or so. The area of Lowgate and College Street is the core of the village and makes a substantial contribution to the character and appearance of the Conservation Area.
11. Development in the Conservation Area has taken place since medieval times, with many of the roads and buildings following early street patterns. Consequently, buildings are an eclectic mix of architectural styles reflecting differing periods of construction. However, a notable unifying feature of the Conservation Area is that buildings, whether residential or otherwise, are overwhelmingly two-storey structures.
12. Another unifying feature in the vicinity of the appeal site is the preponderance of simple pitched roofs, with the exception of a few dormer windows on College Street and Lowgate some distance from the appeal site and some roof lights. There is also a pattern of older buildings fronting the street and later buildings having small front gardens. A more recent development of a semi-detached pair of houses with large front gardens sits adjacent to the appeal site.
13. The proposed development would provide accommodation on three floors, with accommodation in the roof provided with front and rear dormer windows. This would result in the building rising to a greater height than nearby properties and the introduction of an alien feature into the street scene. The dwellings would also front the street, which given the pattern of later developments having front gardens of increasing size, would look artificial and contrived.
14. The location of the appeal site at the convergence of three roads would also give the development a prominent and domineering position in the area. This would serve to amplify the incongruous design features and scale of the

proposal. Therefore, by reason of its design, height, scale and location the proposed development would not enhance or preserve the character of the Conservation Area.

15. For the reasons set out above I conclude that the proposed development would have a negative impact on the Conservation Area that would lead to less than substantial harm. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposed development.
16. The proposal would have some benefit in terms of the provision of housing and development of a site that is currently unkempt and concealed behind unattractive boarding. However these modest benefits would be achieved at the expense of a harmful development in the area. The very modest effect of such a public benefit is significantly outweighed by the harm that would result from the proposed development.
17. Therefore, insofar as they are relevant, the proposed development would be contrary to Policies SP5 and ENV6 of the Joint Structure Plan for Kingston-upon-Hull and the East Riding of Yorkshire 2005 (the Joint Plan), Policies G1, G2, BE1, BE3, BE18, BE19 and H1 of the Hull CityPlan 2000 (the Local Plan) and Note 4 Housing Design of the Supplementary Planning Guidance 2000 (the SPG), which together seek to ensure that developments preserve and enhance the character and appearance of settlements, and strategically important buildings and conservation areas.

Overdevelopment

18. The character and appearance of Sutton is of a rural village despite being surrounded on all sides by intense urban development. This character and appearance is an important example of how settlements develop over centuries, and this is emphasised by the juxtaposition of the surrounding housing estates.
19. I am mindful that the appeal site was formerly used as a car park and therefore is previously developed land. I also take into consideration that full planning permission was granted for the development of the site in 2008, but not implemented. The earlier permission is not a matter before me and I do not have any evidence to show why the Council reached a different decision on that earlier application. I must consider this appeal on its merits and can give very little weight to a previous permission for which I have little detail.
20. While the appeal site is previously developed land, the former use as a car park would not have had a significant detrimental effect on the setting of the building at No 33 or the open character and appearance of the Conservation Area. The proposed development would have the opposite and detrimental effect as described above.
21. I therefore conclude that the proposed scheme would be overdevelopment of the appeal site and would not be in accordance with Policies SP5 and ENV6 of the Joint Plan, Policies G1, G2, BE1, BE3, BE18, BE19 and H1 of the Local Plan and Note 4 Housing Design of the SPG, which together seek to ensure that developments preserve and enhance the character and appearance of the area where the development would occur.

Other Matters

22. I have had regard to an example of development on an infill site at Sharp Street. However this development is not within a conservation area and is on the opposite side of the city. More particularly, the suggestion that this development is similar to the development subject to this appeal overlooks the fact that the area surrounding Sharp Street is a planned urban development. By comparison the appeal site looks out across Lowgate and College Street to a substantial green space with a number of mature trees in the grounds of The Elms. I therefore give little weight to the approval of the development at Sharp Street.

Conclusion

23. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Guiver

INSPECTOR