
Appeal Decision

Site visit made on 4 July 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 9th August 2017

Appeal Ref: APP/V2004/W/17/3173458

30 Newland Park, Hull, East Yorkshire HU5 2DW

- 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 J Hunter against the decision of Kingston-upon-Hull City Council.
 - The application Ref 17/00038/FULL, dated 10 January 2017, was refused by notice dated 17 March 2017.
 - The development proposed is a change of use of an existing garage block to form a day room/lounge accommodation in conjunction with the remodelling of an existing HIMO with an increase in bedrooms from 10 to 15.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also used the description of development that was given on the appeal form and the Council's decision notice as it better reflects the nature of the proposal.

Main Issues

3. The main issues are the effect on the living conditions of the occupiers of No 32 Newland Park with regard to potential noise and disturbance, and whether the proposal would preserve or enhance the character or appearance of Newland Park Conservation Area.

Reasons

Living Conditions

4. The appeal property is a large semi-detached building, which contains three self-contained flats and, in total, there are 10 bedrooms. To the rear of the property, there are two garage buildings and an area of hardstanding that is available for car parking. These are accessed via a driveway that runs down the side of the property. This side of the property also contains the main external entrance door to the three flats.
5. The driveway also abuts the boundary with No 32, which is defined by a close boarded fence of a height of approximately 2 metres (m), which drops to 1.5m towards the site frontage. No 32 is a detached residential property and is also separated from the boundary by its driveway, which is approximately 5m in

width, with window openings facing the boundary fence. It contains substantial front and rear garden areas.

6. The proposal would result in a 50% increase in bedroom numbers in the property, and it would be intended that the accommodation would be aimed at university students. The marked increase in occupancy would be likely to result in a significantly higher amount of pedestrian and vehicular movements as students leave and return from lectures, and engage in social and other activities, as well as visits from other students, families and other visitors.
7. A total of 12 car parking spaces would be provided. There would be likely to be a significantly higher number of car movements associated with the convenience of the on-site parking than at present with the increased number of occupiers. The on-site parking would be more likely to be used than, if available, on-street parking or parking at the nursery.
8. The separate location of the proposed day room and lounge accommodation outside the existing building, whilst having the benefit of providing a communal area, would also increase movements, from the main building and also from the access door in the glazed link onto the driveway.
9. This increase in movements would be focused on the nearest part of the property to No 32, because of the location of the entrance doors, the driveway and the parking. This would be a noticeable change and would result in a significant associated increase in noise and disturbance, to the detriment of the living conditions of the occupiers of this property, with the proximity of the proposal. The separation provided by the width of No 32's driveway to the dwelling would not be likely to result in a discernible reduction in noise and disturbance.
10. The fence would not provide an effective screen from noise, with its lower height towards the front of the property and, in the absence of details before me, there is no certainty an acoustic fence would be adequate, without appearing over dominant on the boundary with No 32. The use of a condition for student occupation would also not control the numbers of cars or associated movements.
11. The accommodation would be managed, but this would be unlikely to be effective in dealing with noise and disturbance that arise from the movements to and from the proposal. The Council's Environmental Health Officer did not object to the planning application although the comments related to the standard of the accommodation, and this would provide a reasonable level of living conditions for its occupiers. The visual appearance of the day room and lounge accommodation would not be an improvement or deterioration on the existing garage, and as such this effect is only neutral. None of these factors address my concerns over the increased noise and disturbance.
12. With the layout of the current property, it is unlikely the occupancy of the flats could be reasonably increased towards that of the proposal. A single occupancy condition for each bedroom would still result in 15 occupiers and, with the associated increase in noise and disturbance this would not make the proposal acceptable.
13. Overall, I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of No 32 with regard to noise and disturbance.

It would not comply with 'Saved' Policies H1 and BE1 of the Kingston Upon Hull City Council Hull CityPlan (2000) (Local Plan) which require that the impact on local amenity is acceptable, including the protection of surrounding occupiers. 'Saved' Policy BE5 is not of relevance as it does not include noise and disturbance within its protection of the living conditions of nearby occupants.

Character and Appearance

14. The front garden area of the property comprises a number of small trees and vegetation, which are prominent when viewed from Newland Park, and pleasingly add to the area. Much of the significance of this part of the Conservation Area is derived from the trees and vegetation in the front garden of the properties, which gives a green character when viewed from the streetscene.
15. The proposed car parking in the front of the property would result in the loss of the majority of the trees and vegetation, with only those left immediately behind the boundary. This would significantly reduce the contribution of the site to the significance of the Conservation Area, as there would be noticeably less trees and vegetation and clear visibility of parked cars, when viewed from Newland Park.
16. Where other properties have provided front parking, the majority have set their parking back from the site frontage, so that a green 'buffer' is maintained to the streetscene. This would not be the case with the proposal and a tree planting scheme would be unlikely to be effective because there would not be sufficient space, with the extent of the parking. The use of a permeable surface, as it would be used for parking, would also not compensate for the loss of the green character.
17. Whilst some of the trees and vegetation could be removed, a significant amount would still require permission for its removal, due to its Conservation Area location. The amount of removal that could take place without permission would not have the same level of detrimental effect on the contribution to the significance of the Conservation Area, compared to the proposal.
18. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area, and thus would not comply with the statutory duty, or 'Saved' Policies BE18 and BE19 of the Local Plan, which apply a similar level of control to development in conservation areas.

Other Matters

19. I am aware that the Council considers the appeal property is not currently used as a House in Multiple Occupation. Whether or not this is the case, it does not have a bearing in respect of the conclusions I have come to on the main issues.

Conclusion

20. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR