



Appeal Decision

Site visit made on 14 August 2017

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/V2004/D/17/3179195

208 Park Avenue, Princes Avenue, Hull HU5 3EY

- 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 Ms Jane Fare against the decision of Kingston-upon-Hull City Council.
 - The application Ref 17/00462/FULL, dated 6 April 2017, was refused by notice dated 1 June 2017.
 - The development proposed is 'creation of dropped kerb and vehicular access over the existing grass verge to access parking within front garden of property. Removal of a section of front garden boundary all and laying of a strip of pavers to provide hardstanding wheel track for vehicle. Introduction of an electric car charge point on the wall of the property adjacent to the 3' garden access route'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether or not the proposed development would preserve or enhance the character or appearance of the Avenues and Pearson Park Conservation Area, having particular regard to the effect of the proposal on the character and appearance of the dwelling and the Park Avenue street scene; and
 - the effect on the living conditions of the adjoining occupiers at No 210 Park Avenue (No 210), having particular regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal property is a detached red brick Victorian villa enclosed by a more modern low brick wall interspersed with piers on the road frontage. The proposal would involve the removal of the pedestrian gate and a section of the wall adjacent to No 210 to create a vehicle parking space within the garden area. Part of the roadside verge would be hard surfaced and a dropped kerb would be installed on the highway.
4. In the exercise of planning functions, the statutory duty in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National

Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The significance of the Avenues and Pearson Park Conservation Area derives from the form and character of the period properties which retain a number of original features and create an established and traditional character and appearance. The planting to front gardens and regularly spaced trees within the grassed roadside verges create a verdant and semi-natural aspect to the street scene which also contributes to the significance of the Conservation Area.
6. Whilst some front gardens have been converted for vehicular parking, the historic residential layout has been largely retained with front gardens used for their original purpose. However, Nos 206 and 210 Park Avenue to either side of the appeal property have parking spaces within their front gardens as does No 204. The officer report indicates that these and others in the area pre-date the Direction under Article 4(2) of the General Permitted Development Order 2015 which removes permitted development rights to construct a means of access to the adjoining highway and install hard surfacing within the front garden of a dwelling house. As such, the policy context and circumstances of the appeal proposal are different from the other examples of vehicular accesses which have been referred to me by the appellant.
7. Part of the front boundary wall would be removed and two rows of pavers would be installed to create the parking space. However, the remaining garden area and planting to one side of the pathway would be retained. The introduction of a parked vehicle would result in some visual change but it would be positioned at right angles to the property and to one side of the front elevation. As such, I consider that the parking space and parked vehicle would not dominate the front elevation and there would be no material harm to the character and appearance of the property. The remaining garden area would continue to make a positive contribution to the Park Avenue street scene. I have come to this conclusion having regard to the particular circumstances of this site and the proposal before me.
8. The verge crossing would result in the removal of a section of the grassed verge and its replacement with hard surfacing, the details of which could be agreed by condition. The crossing would be in proximity to the trunk of an early mature Sycamore tree and the associated works would be likely to encroach within the root zone of the tree.
9. In the absence of further details of the position and means of construction of the new access, there is nothing in the evidence before me to confirm that the verge crossing could be accommodated without having an adverse effect on the long term health of the protected tree which would be harmful to the verdant character of the street scene. The appellant indicates that a species with a smaller root spread would be more appropriate in this location but I have no details to enable me to comment further on this point.
10. Whilst there are small hard surfaced footways within the verges, these are unobtrusive and do not intrude into the stretches of grass verge which contribute to the character and appearance of the Conservation Area. The introduction of an additional area of hard surfacing together with a dropped kerb would have an artificial and engineered appearance and would disrupt the

continuity of the grass verge and erode the semi-natural character of the street scene.

11. Together with the potential for harm to or loss of the roadside tree, the changes to the verge would be harmful to the Park Avenue street scene. The character and appearance of the Avenues and Pearson Park Conservation Area would not be preserved nor enhanced. The proposal would not comply with the statutory duty and would be contrary to Policies BE18 and BE19 of the Hull CityPlan (2000) (the Local Plan) which seek to ensure that new development preserves or enhances the character or appearance of Conservation Areas.
12. The impact of the proposal would be relatively localised and in my view the harm to the Conservation Area identified above would be less than substantial. The Framework makes clear in paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
13. The provision of an off-street parking space would be primarily of private benefit. The installation of an electric vehicle charging point would contribute to wider initiatives to support the introduction of low emission vehicles, tackle air pollution and minimise CO2 emissions. However, as the proposal would serve one household this limits the benefits that can be attached. The removal of the nearby tree stump within the roadside verge could be undertaken irrespective of the outcome of this appeal which limits the weight that can be attached as a public benefit of the proposal.
14. The Framework requires me to accord great weight to the conservation of designated heritage assets. In short, there would be insufficient public benefit arising from the proposal to outweigh the harm that would be caused to the character and appearance of the street scene which contributes to the significance of the Conservation Area. Accordingly, the appeal proposal fails to accord with the provisions of the Framework with regard to the conservation of designated heritage assets.

Living conditions

15. The parking space would be in proximity to the common boundary with No 210. I have no reason to dispute the appellant's point that the ground floor window in that property serves a cloakroom, however there is a first floor window serving a habitable room.
16. A degree of noise and disturbance from passing vehicles and on-street parking manoeuvres is already evident. There is a well-established Beech hedge on the common boundary with No 210 which would provide some screening at ground floor level. Having regard to the level of background noise, the additional noise and disturbance associated with parking one vehicle would be unlikely to be readily perceptible, particularly at first floor level. My view is that the proposed parking space would not cause material harm to the living conditions of the occupiers of No 210. There would be no conflict with Policy BE5 of the Local Plan which amongst other things seeks to ensure that proposals do not have a serious adverse effect on the amenity of nearby occupants.

Conclusion

17. Whilst I have found that the proposal would not cause material harm to the living conditions of the adjoining occupiers at No 210, this would not outweigh the harm identified in relation to the first main issue in this case.
18. For the reasons outlined above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR