

Appeal Decision

Site visit made on 3 May 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 30th May 2017

Appeal Ref: APP/V2004/W/17/3167007

287 Ings Road, Hull, East Yorkshire HU8 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by N & E Commercial Properties Limited against the decision of Kingston-upon-Hull City Council.
 - The application Ref: 16/00397/FULL, dated 16 March 2016, was refused by notice dated 14 July 2016.
 - The development proposed is two dwellings and associated parking spaces on land to rear of the existing dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by N & E Commercial Properties Limited against Kingston-upon-Hull City Council. This application is the subject of a separate Decision.

Procedural matter

3. The development proposal was submitted in outline, and the application form makes it clear that approval is also sought at this stage for access, layout and scale, with appearance and landscaping reserved for future approval. The submitted drawing incorporated a site plan which shows the siting of the proposed dwellings within the appeal site and the position of the site access. In addition, the submitted drawing shows a car parking layout and a section through the site which indicates that the proposed dwellings would have an eaves height of approximately 3.45 metres and a ridge height of approximately 5.85 metres. I have had regard to these submitted details.
4. The planning application was refused for four reasons. The fourth reason for refusal related to the adequacy of ecological information provided with the planning application. The appellant has submitted additional ecological information with the appeal and the Council in their statement of case have confirmed that, on the basis of the new information, the fourth reason for refusal is withdrawn. I have consequently determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are therefore:
 - The effect of the proposed development on the character and appearance of the area;
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- The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties with particular regard to outlook;
- The effect of the proposed development on highway safety in the vicinity of the appeal site; and

Reasons

Character and appearance

6. When read together, Policy SP5 of the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire 2005 (JSP) and Saved Policies BE1 and H1 of the Hull Cityplan 2000 (Local Plan) seek to ensure that new development integrates visually and physically with its surroundings and does not have an adverse impact on the built environment in terms of its relationship to adjacent or surrounding buildings.
7. The appeal site is part of the large rear garden of number 287 Ings Road. The garden area is laid mainly to grass, with hedge and shrub planting on the boundaries, and there are a number of trees present on the rear boundary. At the time of my site visit some of this vegetation was being cleared. The donor property is a large, two storey, detached house located on a roughly triangular perimeter block bounded by Ings Road, Sutton House Road, Gillshill Road and Cavendish Road. Whilst there are a number of mature trees and small outbuildings within the interior of the perimeter block, the generally small scale of the outbuildings and typical fence heights of approximately 1.8 metres give the interior of the block a largely open and spacious character.
8. The surrounding area is primarily residential in character, although there is a small district centre located at junction of Ings Road and Sutton House Road with further residential areas beyond.
9. Ings Road is comprised predominantly of regularly spaced, two storey, semi-detached houses with hipped roofs. On the side of Ings Road where the appeal site is located, the houses are set back a fairly uniform distance from the road and this, in combination with the regular spacing of the buildings results in a strong building line and edge to the perimeter block. Whilst the front gardens are less uniform on the opposite side of the road, becoming progressively longer as they approach the district centre, there is still an evident building line with regular spacing of the houses. This, together with similar materials, shared architectural features such as the hipped roofs and two storey bay windows, gives the road a very cohesive appearance.
10. The appeal proposal sets out that the proposed dwellings would be single storey with rooms within the roof space. Whilst there are bungalows in the wider locality, single storey houses with rooms in the roof space are uncommon.
11. The proposed new dwellings would be located well behind the strong building line on Ings Road. The built form of the area is characterised by regularly spaced, two storey houses, with moderately sized front gardens and long, relatively narrow, rear gardens. The lack of a street frontage at the proposed dwellings and the significant difference from the predominant built form would be inconsistent with the character of the area.

12. The insertion of two new dwellings combined with the reduction in size of the rear garden of number 287 would also, in my view, significantly erode the open and spacious character of the interior of the perimeter block. As a result of this, and the inconsistency with the prevailing character of the area, the proposed development would not integrate well with the existing built form and would be harmful to its character and appearance.
13. The appellant suggests that in the Council officer's report it is accepted that the proposal would not cause harm to the character and appearance of the area. The officer's report is brief in regard to this and concentrates more on the effect on the living conditions of the occupiers of surrounding properties. Comments on the built form are limited to saying that the proposed dwellings would present a legible, simple, format; that the plot sizes are of a typical form; and the key views would provide a sense of place. For the reasons I have set out above, I do not concur with this position. Other than to agree with the Council officer's report, the appellant has not put forward any substantive evidence in respect of this point and the Design and Access Statement is silent with regard to how the scheme has been evolved in order to integrate it with its surroundings.
14. I have noted the appellant's point with regard to the location of the appeal site in respect of access to shops, facilities and public transport. Whilst I would agree that it is well located in this respect, I do not consider that this outweighs the harm that the proposed development would cause to the character and appearance of the area, which would be permanent and lasting.
15. I therefore find that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Policy SP5 of the JSP and Saved Policies BE1 and H1 of the Local Plan which seek to ensure that new development is of a high standard of design, that integrates visually and physically with its surroundings and does not have an adverse impact on the built environment in terms of its relationship to adjacent or surrounding buildings.

Living conditions of neighbouring occupiers

16. I note from the reasons for refusal and the Council officer's report that the Council do not have any concerns regarding the effect of the proposed development on the living conditions of neighbouring occupiers in terms of overshadowing, loss of privacy, direct overlooking or noise and disturbance. From what I have read, and from what I saw when I visited the site, I have no reason to reach a different conclusion on these points.
17. The principal area in dispute is the effect that the proposed development would have on outlook from neighbouring properties. Neither party has put forward substantive evidence in respect of this, the appellant has merely quoted the Planning officer's report, and the Council only briefly refer to the openness of the interior of the perimeter block and the views across it.
18. Whilst I have found in respect of character and appearance that the proposed development would significantly erode the open character of the interior of the perimeter block, the proposed new dwellings would be sufficiently separated from the existing houses surrounding the appeal site that they would not appear over-dominant to the occupiers of these properties due to their proximity. Similarly, although the new dwellings would be visible in views from

the rear windows of houses on Ings Road, Gillshill Road and Cavendish Road, and would reduce the openness of the area, they would not restrict the outlook from these properties to the extent that it would be harmful to the living conditions of their occupiers.

19. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties with particular regard to outlook. It would comply with the relevant requirements of Saved Policies BE1 and H1 of the Local Plan, which seek to ensure that new development does not harm the living conditions of surrounding occupiers. The reason from refusal also makes reference to Policy SP5 of the JSP. Although this is a design policy, it does not make reference to the living conditions of the occupiers of existing properties and, consequently, I do not consider that it is relevant to this issue.

Highway safety in the vicinity of the appeal site

20. It is not in dispute that the proposed development meets the Council's car parking standard for new residential development. Although the proposed access drive to the new dwellings would only allow for one way vehicle movements at any given time, as it would only serve two dwellings, the potential for vehicle conflicts on the access drive is low and drivers would be able to see if it was clear before entering. The principle matter in dispute relates to additional vehicle movements in the vicinity of the appeal site.
21. Although Ings Road is relatively wide, there are a number of parking restrictions in the form of double yellow lines at the junctions with Sutton House Road and Cavendish Road and the presence of driveways serving the houses further restricts the availability of on street parking. At the time of my site visit, around mid-day, the available on street parking was heavily used on both sides of the street which restricted the carriageway width at these points such that only one vehicle could pass along it.
22. Neither party has produced any specific evidence with regard to vehicle movements, traffic speeds or accident data for Ings Road, although I note that the Highway Authority have not raised any objections to the proposed development. I saw when I visited the site that Ings Road was well used with frequent vehicle movements in both directions. However, due to the restricted width of the road as a result of parked cars and the presence of traffic calming measures, vehicle speeds were not high. I also saw that whilst some vehicle conflicts did occur, the gaps in the parked cars caused by the regular presence of driveway openings along the length of the road provided opportunities for vehicles to pull over to allow another to pass.
23. Whilst this does only represent a snapshot of the prevailing road conditions and traffic conditions will vary depending on the time of day, nothing that I saw indicated that the road, despite being busy and well used, is inherently dangerous.
24. The access from the highway that would be used by the proposed private drive is an existing vehicular access to number 287. I saw that, as a result of the demand for on street parking, vehicles park very close to the driveway access points which would affect forward visibility when egressing from the site. However, this situation occurred at all of the private driveways on this stretch of Ings Road where on street parking is permitted. The number of additional

vehicle movements associated with two new dwellings would not be large, and due to the generally low traffic speeds on Ings Road and the need for motorists to emerge cautiously from all of the driveways due to the restricted visibility, this would not be materially different from the use of the existing access point by any occupiers of number 287 which it currently serves.

25. Although the Council state that the the physical capacity of the road and the design of the access was commented on by the Highway Authority, highway safety is within the remit of that Authority and it is reasonable to expect that, had the Highway Authority had concerns in respect of highway safety, they would have been raised. I also note that the Highway Authority additionally responded to comments made in a third party representation that specifically referred to highways matters and, again, raised no highway safety concerns.
26. From what I saw when I visited the site, the absence of any technical evidence regarding traffic conditions or accidents, and the fact that the Highway Authority have not raised any objection to the proposal, I consider that the small number of additional vehicle movements associated with two new dwellings would not significantly alter the prevailing situation on Ings Road to the extent that it would constitute a danger to highway safety. It is not proposed to increase the height of the means of enclosure on the site frontage and, consequently, pedestrians using the footway adjacent to Ings Road would be able to see any vehicles using the access in time to be able to react appropriately.
27. I therefore find that the proposed development would not cause harm to highway safety in the vicinity of the appeal site. It would comply with the relevant requirements of Policy M29 of the Local Plan which seeks to ensure that new development has satisfactory access to the road network and is acceptable in terms of traffic generation and road safety.

Other matters

28. I have had regard to the representations from local residents which were received by the Council in response to the application. In general these raise matters which have already been covered above. Other specific matters are considered below.
29. Saved Local Plan Policies NE17 and NE20 relate specifically to the protection of designated ecological sites and protected species and their habitats. The appeal site is not within or adjacent to a designated ecological site. The appellant has provided an updated ecological survey with the appeal which concludes that there are no protected species present on or near the appeal site and that it has limited ecological potential. The Council do not dispute the findings of this and have withdrawn the reason for refusal relating to ecology matters. From what I have read, and from what I saw when I visited the site, I have no reason to draw a different conclusion.
30. Although the appeal site lies within Flood Zone 3, the Council classify this as of low hazard from tidal or riparian flooding. There is some photographic evidence of surface water lying in gardens at surrounding properties but there is no conclusive evidence that this is attributable to existing development or that development on the site would exacerbate this.

31. I have considered the point that the grant of planning permission would set a precedent for other similar developments. However, no directly similar sites in the area to which this may apply were put forward. Each application and appeal must be considered on its own merits, and a generalised concern of this nature does not justify withholding planning permission in this case.
32. Construction on the site would inevitably cause some disruption and disturbance but this would be temporary and could be mitigated by a construction method statement. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.
33. The appellant has also referred to a number of policies in the emerging Hull Local Plan. Although this plan has been submitted for examination it is not yet adopted and, therefore, I have given only limited weight to these policies.
34. None of the above points would, however, lead me to a different conclusion on the main issues.

Conclusion

35. I have found that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties, nor would it cause harm to highway safety in the vicinity of the appeal site.
36. However, I have found that the design and siting of the development would cause permanent and lasting harm to the character and appearance of the area. The scheme would therefore conflict with Policy SP5 of the JSP and Policies BE1 and H1 of the Local Plan. In my view this is an important matter, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole notwithstanding compliance with other policies which are referred to above and, as a consequence, the appeal must fail.
37. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR