
Appeal Decision

Site visit made on 28 November 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 11th December 2017

Appeal Ref: APP/E2001/W/17/3181810

The Old Forge Garage, Main Street, Burstwick, HU12 9EA

- 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 Mike Barton against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/00759/PLF/EASTSE PP-05880198, dated 2 March 2017, was refused by notice dated 2 June 2017.
 - The development proposed is 5 new residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal originally sought planning permission for five dwellings but was amended during the Council's consideration of the application to four dwellings. It is on this basis that the Council determined the planning application and I will deal with the appeal on the same terms.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers with particular reference to privacy; and
 - Whether the proposal would provide adequate living conditions for future occupiers with particular reference to outdoor amenity space; and
 - The effect of the proposal on highway safety with particular reference to car parking.

Reasons

Character and appearance

4. The appeal site comprises an existing workshop building most recently used as a vehicle sales garage. It is within the development limits of Burstwick. The surrounding area is predominantly residential although the site adjoins the general store/post office immediately to the south.

5. The proposal would introduce two detached dwellings fronting Main Street with an access drive between them. This would serve a pair of semi-detached dwellings to the rear of the site and a courtyard parking area. Whilst it raises no objections to the frontage development, the Council is concerned about the backland position of the houses on Plots 3 and 4 to the rear of the site.
6. I note the appellant's view that Burstwick is a densely developed village with an urban character and appreciate that the settlement has grown organically over time. Notwithstanding the wider character and context of the settlement as a whole, the pattern of development in the immediate vicinity of the appeal site along Main Street is predominately linear and characterised by properties with long rear open gardens. This is so despite the adjacent post office to the south which has a substantial single storey rear projection. I saw no other examples of backland development close to the appeal site.
7. The appellant argues that the site is of an adequate size to accommodate the proposed houses, the resultant plot ratios would be similar to those in nearby Willow Road and Meadow Drive and the proposal would optimise the potential of the site. On the other hand, the Council calculates the density of the proposal to be in excess of 50 dwellings per hectare. Given the backland nature of the development and the size of the houses and gardens that would be provided, I am not persuaded that the development would be commensurate in terms of plot sizes and density with the existing properties nearby on Main Street. In contrast to those houses and their long rear gardens, the proposal would appear as much more cramped higher density development.
8. This being so, the proposed houses on Plots 3 and 4 would be at odds with the established pattern of development in this part of Burstwick. They would be visible from Main Street down the proposed driveway and would be appreciated as an unsympathetic addition to the area that would undermine its existing character. As such, I am not convinced that even over time the development would mature and be absorbed into the character of the site and the local urban environment. That the site is not within a Conservation Area does not alter my view.
9. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Policy S4 of the East Riding Local Plan (Local Plan) which is supportive of new housing (usually comprising a single dwelling) in villages where it would not detract from the character and appearance of the village.
10. It would also conflict with Local Plan Policy ENV1 which requires development proposals to contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use (criterion A 1). The policy also supports development where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place, by having regard to the specific characteristics of the site's wider context and the character of the surrounding area (criterion B 1) and having an appropriate scale, density, massing, height and material (criterion B 3). Furthermore the proposal would be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to always seek to secure high quality design.

Living conditions neighbouring occupiers

11. The first floor rear windows of the proposed dwellings on Plots 3 and 4 would face the eastern boundary of the site and Nos 9 and 11 Willow Road beyond. Although I have not been referred to any particular standards or guidelines, the Council confirms that as a general approach it seeks to ensure that first floor rear windows achieve a 'back to back' distance of 20 metres between existing and proposed properties and that 10 metre long rear gardens are provided. This is in order to prevent unacceptable overlooking and loss of privacy issues.
12. A 25 metre window to window distance would be achieved between the appeal proposal and Nos 9 and 11 and the Council is content that no overlooking or loss of privacy would result in this regard. However, the rear gardens on Plots 3 and 4 would only be between 8.5 and 9 metres long. As such, they would fall short of the 10 metres sought by the Council. It seems to me that in practical terms, the limited length of the rear gardens would mean that views of the rear gardens of adjacent Nos 9 and 11 from the first floor windows of the houses on Plots 3 and 4 would be possible at rather close quarters. This overlooking of the private rear garden areas of the adjacent properties would lead to an unacceptable loss of privacy to the occupiers there.
13. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of neighbouring occupiers with particular reference to privacy. This would be contrary to Local Plan Policy ENV1 which is supportive of development which has regard to the amenity of existing or proposed properties (criterion B 4). It would also fail to support the core planning principle of the Framework to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions future occupiers

14. Plot 1 would have a rear garden that would be some 7.7 metres deep with a width of up to 6 metres. At 6 metres deep and just over 5 metres wide, Plot 2's garden would be smaller. Accordingly, I accept that the gardens on these plots would not be particularly spacious. However, I have been referred to no standards or guidelines as to the amount of amenity space for new properties that is expected by the Council. Plots 1 and 2 would be modest 2 bedroom houses and bearing in mind the likely number of future occupants, it seems to me that in terms of their size, the gardens proposed would just about provide adequate space for normal domestic activities such as hanging washing outside to dry, or to sit and enjoy the outdoor environment.
15. That said, both gardens would be very close to existing structures at the adjacent properties and enclosed by new 2 metre high walls adjacent to the proposed access and parking areas. Plot 1's garden would be bounded by the rear extension of the adjacent post office to the south to a height of 3 metres along its entire depth. Plot 2's garden would in part adjoin a 2 metre high structure in the rear garden of the property to the north.
16. The gardens would be directly adjacent to the driveway which would serve all four properties and I acknowledge that the proposed new walls and existing boundary treatments would provide screening and privacy to them. The boundary enclosures would also serve to lessen the impact of the noise and disturbance that would arise from the use of the driveway by vehicles and pedestrians in close proximity to the proposed gardens.

17. Even so, given the limited sizes of the gardens and considerable height and nature of the existing and proposed boundary enclosures described, it seems to me that the gardens would be very much enclosed and in shadow for much of the day. This lack of adequate outlook and daylight and sunlight would lead to an overbearing and oppressive sense of enclosure there and the creation of a poor quality outdoor environment. I consider that these factors would seriously limit the practical use of the proposed gardens on Plots 1 and 2 as private outdoor amenity spaces and the ability of the future occupiers to enjoy them.
18. I therefore conclude on this main issue that the proposal would fail to provide adequate living conditions for future occupiers with particular reference to outdoor amenity space. This would be contrary to Local Plan Policy ENV1 which is supportive of development which has regard to the amenity of existing or proposed properties (criterion B 4). It would also fail to support the core planning principle of the Framework to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

19. Based on the Council's Highway Control Section's standing advice and the guidance in its Sustainable Transport Supplementary Planning Document (SPD), detached and semi-detached dwellings with 2 or 3 bedrooms (such as those proposed in this case) should normally be provided with two parking spaces each. The appeal proposal would provide six car parking spaces for the four dwellings and consequently a shortfall of two spaces would arise.
20. The appellant considers that the figures in the SPD are a guideline only (rather than a standard) and indicates that 1.5 spaces per dwelling have been widely accepted as sufficient by the Council. I also appreciate that the site is accessible to local facilities and public transport. The Council acknowledges that the site is within an accessible and sustainable location and that the future occupants would not be totally reliant on private motor vehicles.
21. Nevertheless, the car parking provision shown would fall below the normally expected guidelines and I share the Council concern that the resultant shortfall would mean that the on-site parking proposed would be insufficient to meet the demands of the development, including that arising from visitors. This would be likely to result in parking taking place in the surrounding roads.
22. Main Street is relatively narrow and I saw at my visit there are double yellow lines on both sides of the road in the vicinity of the appeal site. These continue just past the nearby junction with Station Road to the north (and along Station Road itself to the west). Although there are parking bays outside the adjacent post office and properties further to the south on Harriff Lane, these are limited in number. As such, in the vicinity of the appeal site, on-street spaces to accommodate parking demand arising from the proposal are very limited in number. In this context, any overspill parking onto the surrounding highway network as a result of the appeal scheme would be likely to be detrimental to the free flow of traffic and highway safety.
23. I therefore conclude on this main issue that the proposal would be harmful to highway safety with particular reference to car parking. It would conflict with Local Plan Policy EC4 (criterion A) which supports new development where it is accessible by sustainable modes of transport and addresses likely transport

impact. It would be also be contrary to Local Plan Policy ENV1 which requires development to promote equality of safe access, movement and use. Furthermore it would be at odds with the guidelines in the SPD.

Other matters

24. The Council acknowledges that the site is within a sustainable and accessible location where new housing can be appropriate. As a brownfield site its development is supported by national and local planning policies. Whilst at the time of my visit the site was occupied as a motor sales and repair garage, I understand that it has been marketed for sale for some time with little interest. In any event, the Council does not object to the loss of the employment use and accepts the residential use of the site to be more appropriate. The absence of harm in these regards counts neither for, nor against the proposal.
25. The proposal would contribute to housing supply, meet a need for smaller properties or starter homes and add to housing mix and choice. However, its contribution in these regard would be limited by its modest scale for four dwellings. I have also had regard to the appellant's arguments regarding the removal of the garage, but am not convinced that the existing commercial unit has an unduly harmful impact on the street scene. Nor have I seen any evidence to suggest that the established commercial use of the site is particularly harmful to the living conditions of nearby residents. I am also mindful that these benefits could be secured via an alternative less substantial scheme. As a result, whilst these are all benefits of the proposal, even when taken together, they are insufficient to outweigh the harm that I have identified in relation to the main issues in this case.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR