



Appeal Decision

Site visit made on 1 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/E2001/W/19/3221953

6 Chestnut Avenue, Hessle HU13 0RH

- 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 and Mrs Mike Maddra against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/18/02707/PLF/WESTES, dated 13 August 2018, was refused by notice dated 17 January 2019.
 - The development proposed is described as "erection of new dwelling following demolition of existing garage."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A request was made for the appeal site to be viewed from 8 Chestnut Avenue. On the day of my site visit I was unable to gain access to 8 Chestnut Avenue however I was able to make a full assessment from views from within the appeal site and the surrounding area.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Hessle (Southfield) Conservation Area and the effect of the proposal on the living conditions of the occupiers of Mews Cottage, 1A Davenport Avenue and 8 Chestnut Avenue in respect of privacy, outlook and overbearing effects and future occupiers of the proposed property in respect of private garden space.

Reasons

Conservation Area

4. The appeal site forms part of the rear garden of 6 Chestnut Avenue (No 6) which sits within the Hessle (Southfield) Conservation Area (HSCA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The HSCA, within the immediate area of the appeal site, is characterised by large properties on spacious plots. The buildings are mainly finished in brick and render with traditional architectural detailing. In my view the significance of the HSCA is derived from the architectural character and layout of the buildings collectively.
7. The proposed dwelling would be small in size, and although would be partially screened by hedgerow and mature trees, would be visible and appear as an incongruous feature when viewed against the grandiose appearance of the surrounding buildings. The proposal would result in the loss of the deep garden to No 6 and would not be in keeping with the long gardens of properties in the area. The proposed scheme would therefore have a detrimental effect on the character and appearance of the immediate area.
8. I note that the Council's Conservation Officer has not raised any objections indicating that the proposal would reflect a stable type building reading as ancillary to No 6. The proposed layout plan however, shows that the appeal site would be severed from No 6 by high boundary hedgerows and a timber dummy gate that would be fixed shut. I also did not observe any stable type ancillary buildings in the area during my site visit. I therefore consider that the scale of the proposed building and site layout design would be at odds with the existing pattern of development in the area.
9. I have had regard to the appellants statement of case which details that the proposed building would not protrude forward of the existing building line having a front garden whilst also removing the existing garage. The proposal would also incorporate good quality materials. These matters however, do not outweigh the harm I have identified above.
10. The proposal would be a discordant feature which would fail to preserve or enhance the character and appearance of the HSCA. The proposal would not be in accordance with Policies ENV1 and ENV3 of the East Riding Local Plan Strategy Document 2016 (ERLPSD) and the National Planning Policy Framework (the Framework) which seeks proposals to integrate high quality design and contribute to the special interest of Conservation Areas.

Living conditions

11. The proposed development is modest in scale and located so it would not be in close proximity to any neighbouring properties. So, whilst the proposal would be located close to the boundaries of the site, I do not consider that the proposed dwelling would have any adverse overbearing effects on the occupiers of Mews Cottage, 1A Davenport Avenue and 8 Chestnut Avenue.
12. There are no windows in the properties of Mews Cottage, 1A Davenport Avenue and 8 Chestnut Avenue which are close to the appeal site and would face directly onto the proposed property. The occupiers of these neighbouring properties would therefore not be adversely compromised in terms of outlook.
13. There are no windows proposed which would directly overlook the neighbouring properties of Mews Cottage, 1A Davenport Avenue and 8 Chestnut Avenue. Windows are proposed in the roof space, however, these are high level windows which would ensure there would be no direct overlooking and privacy levels for neighbouring occupiers would be protected.

14. The proposed front garden would be enclosed by high boundary hedgerow and would be considered private. The size of the proposed garden would be relatively small in comparison to neighbouring gardens however, given the proposal is for a small two bedroom dwelling, the size of the garden would be suitable for future occupiers of the proposal.
15. The proposal would not have a harmful effect on the living conditions of the occupiers of Mews Cottage, 1A Davenport Avenue and 8 Chestnut Avenue in respect of privacy, outlook and overbearing effects and the living conditions of future occupiers of the proposed property would not be harmed in respect of private garden space. The proposal would be in accordance with Part B4 of Policy ENV1 of the ERLPSD and the Framework which requires development to have regard to the amenity of existing and proposed properties.
16. Although I have found that the proposal would not have a harmful effect on living conditions, this would not outweigh the harm I have identified on the character and appearance of the HSCA.

Other matters

17. I have had regard to comments made by, amongst others, local residents, Hessle Town Council and Southfield Conservation Area Group. These comments include concerns relating to drainage, highway safety and parking, tree removal, construction methods, archaeology and inaccurate information within supporting documents. These matters do not alter my view on the main issues above.

Conclusion

18. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR