



Appeal Decision

Site visit made on 20 August 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/V2004/W/19/3229228

Ella Street, Garages North of Sanderson Close, Kingston Upon Hull HU5 3AU

- 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 Saj Mahmood against the decision of Kingston-upon-Hull City Council.
 - The application Ref 18/00941/FULL, dated 20 July 2018, was refused by notice dated 20 December 2018.
 - The development proposed is described as "Erection of detached house with garage following demolition of old garages."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As there was no address of the site given on the application form, I have used the address from the appeal form and the Council decision notice.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Ella Street Conservation Area; the effect of the proposal on highway safety with regards to vehicle parking and access; and whether the proposal provides adequate pedestrian access.

Reasons

Conservation Area

4. The appeal site is currently part of a number of garages which sits within the Ella Street Conservation Area (ESCA).
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 ESCA, within the immediate area of the appeal site, is characterised by predominately terraced properties. The buildings are finished in brick and tiled roofing with traditional architectural form and detailing. In my view the significance of the ESCA is derived from the architectural character and form of the buildings collectively.
7. The proposed dwelling would be detached and have a complicated roof arrangement which would not be in keeping with the style of the existing terraced properties in the area. Whilst the proposed materials and bay window features would match existing properties in the area, the proposal would be a large dominant structure that would be visually intrusive within the street scene.
8. I note that some roof lights have been removed from the proposed scheme and replaced with a dormer window. The proposed building however, would appear as an incongruous feature within the surrounding area due to its form, massing and appearance.
9. I have had regard to the appellants statement of case including the buildings located to the west at St. Ninians Walk. However, I do not have full details of the circumstances that led to these buildings being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of development plan policy. In any case, I have determined the appeal on its own merits.
10. The proposal would be a discordant feature which would fail to preserve or enhance the character and appearance of the ESCA. The proposal would not be in accordance with Policies 14 and 16 of the Hull Local Plan 2017 (HLP) which seeks development to demonstrate how its design supports the delivery of a high-quality environment and preserve or enhance the significance and setting of the city's heritage assets.

Highway safety

11. Policy 32 of the HLP indicates that a 5-bedroom property requires four car parking spaces. The proposed scheme would not meet this car park requirement which would lead to vehicles associated with the property parking on the road. The surrounding streets, at the time of my site visit, was busy with parked vehicles. Additional vehicles parking on the roads as a result of the lack of parking with the proposed development could lead to vehicle parking congestion which would be to the detriment of highway safety in the area.
12. The proposed parking for the development would be accessed through an existing garage site to the east. It is unclear from the evidence before me whether there is a right of access over the land to the east for vehicles to enter the proposed parking spaces. It is also unlikely that the proposed garage, given its size and width, would be able to accommodate an average size vehicle.
13. The appellant has indicated that the parking standards were not highlighted at pre-application advice stage. This matter however does not alter my findings with regards to highway safety.
14. The proposed development would have a harmful effect on highway safety in respect of vehicle parking and access. The proposal is contrary to Policy 32 of the HLP which requires development to comply with parking standards.

Pedestrian access

15. The proposed development has a front door and patio side doors which are accessed by steps. The proposed garage has a ramped access and there is an internal door connecting the garage to the house. This is potentially an accessible route for wheelchair users however there is no indication on door widths and whether wheelchair users could access the property this way. There is also the matter raised above regarding right of access over land to the east. It is therefore unclear from the evidence before me to understand whether the property has been designed to allow easy access for wheelchair users. There is also minimal evidence to suggest that the development has been designed with the application of the Building for Life principles.
16. The proposed development has not fully considered pedestrian access into the property and would be contrary to Policy 21 of the HLP which seeks housing development to be designed according to Building for Life principles and consider the delivery of wheelchair user dwellings.

Other matters

17. The appellant has indicated that the proposal would not encroach onto Network Rail land and that the proposed dwelling would be slightly shorter than the existing building which would create more garden space. It is also noted that it is proposed for trees to be removed from the site and be replaced with three fruit trees. These matters however, do not outweigh the harm I have identified above. The appellant indicates that the proposal meets the advice offered at the pre-application advice stage, this however does not alter my assessment of the planning merits of the scheme subject of this appeal.

Conclusion

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

Chris Baxter

INSPECTOR