



Appeal Decision

Site visit made on 23 July 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/E2001/W/19/3227931

Land East of 28 Bedford Road, Hessle, East Riding of Yorkshire HU13 9BY

- 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 J Storr against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/18/03242/PLF/WESTES, dated 2 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is the erection of a detached dwelling on land east of 28 Bedford Road, Hessle HU13 9BY.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 after the Council made its decision. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the living conditions of the occupants of No 7A Crossfield Road, with particular regard to outlook; and
 - Whether the proposed development would provide adequate living conditions for future occupants of the new dwelling, with particular regard to the provision of private amenity space.

Reasons

Background

4. The appeal site is located near to the junction of Bedford Road and Crossfield Road within an early 20th century residential estate. The area is generally characterised by short runs of two storey, terraced properties set back from the road, with long linear gardens to the rear which are accessed off rear lanes. However, there are also some two storey semi-detached and detached properties present.

5. The site was previously the side garden of No 28 Bedford Road which has now been separated off. It is a triangular parcel of land which tapers in width from the street frontage to the rear and is bounded by tall close boarded fences to the east and west. A mature conifer hedge is present along the boundary with No 7A Crossfield Road.
6. An application for outline planning permission for a single dwelling in an end-of-terrace design was granted consent in July 2016. As this scheme prevented access to the rear of No 28 Bedford Road a proposal was submitted for a two storey, detached dwelling with access off Bedford Road which is the subject of this appeal.

Living conditions of the occupants of No 7A Crossfield Road

7. The eastern boundary to the front of the site is shared with No 7A Crossfield Road. The proposed development would be in very close proximity to the boundary fence with only limited separation distances between the buildings. I acknowledge that the side elevation of the new dwelling would be at an angle to the rear elevation of No 7A Crossfield Road. However, I consider that the closeness of the buildings, combined with the depth, scale and massing of the new two storey dwelling, would cause it to appear dominant and overbearing from the rear windows and private amenity space of No 7A Crossfield Road. This would create an uncomfortable sense of enclosure and significantly diminish the outlook of the occupants of No 7A Crossfield Road.
8. I acknowledge that the existing mature conifer hedge provides some screening. However, I observed on my site visit that it had been significantly cut back, opening up views between the appeal site and the rear elevation of No 7A Crossfield Road.
9. Accordingly, I conclude that the proposed development would significantly harm the living conditions of the occupants of No 7A Crossfield Road, with particular regard to outlook. This would conflict with policy ENV1 (B.4) of the East Riding Local Plan 2012-2029 Strategy Document (ERLP SD) (2016) which, amongst other things, supports development where it achieves a high quality of design that optimises the potential of the site and has regard to the amenity of existing or proposed properties. It would also be contrary to the provisions of the Framework which, amongst other things, seek to resist inappropriate development in garden areas and ensure high standards of amenity for existing and future users.

Living conditions for future occupants of the new dwelling

10. The proposed development would infill practically all of the width of the site to the front. Given the unusual shape of the plot, this would leave a small space comprising two irregular and constricted sections of land bounded by tall close boarded fences which would diminish the outlook and limit the amount of useable space for any future occupants.
11. I acknowledge that the Council has no prescriptive space standards for the size or shape of garden areas. However, supporting text to policy ENV1 of the ERLP SD (2016) states that, in residential development, proposals should also provide adequate private amenity space for future occupants. I am of the view that, given the constraints of the site, the size, shape and nature of the private

amenity space would be deficient and far less than what could reasonably be expected by any future occupants of a three bedroomed property.

12. Therefore, I conclude that the proposed development would not provide adequate living conditions for future occupants of the new dwelling, with particular regard to the provision of private amenity space. This would be contrary to policy ENV1 (B.4) of the ERLP SD (2016) and the provisions of the Framework as stated above.

Other Matters

13. The appellant states that the previous outline permission for an end-of-terrace house would have had fundamentally the same characteristics and thus the same impact. I have not been provided with the full details of this permission. However, given its form, it is likely that this proposal would have had greater separation distances between the new dwelling and the rear elevation of No 7A Crossfield Road and would have provided a larger area of private amenity space to the side and rear of the new house. In these respects, it would not have had the same impact on the living conditions of the occupants of No 7A Crossfield Road or future occupants of the new dwelling. Furthermore, I have judged the proposed development before me on its own merits and found harm.
14. The appellant highlights the existing densely developed nature of the area and has drawn my attention to a number of corner plots in the surrounding streets that have been developed with similar style properties. I viewed these when on site and whilst I accept that No 7A Crossfield Road does have limited private amenity space, this does not justify further harm. Furthermore, the other examples appear to have larger, or more regular shaped private amenity space and so are not directly comparable to this proposed development. In any case, I do not have the full details of the circumstances of these cases and I must determine this appeal on its own merits.
15. I note the lack of any objections from neighbours. However, this is not a consideration that outweighs the identified harm.
16. The appellant contends that the proposed development constitutes sustainable development and would provide a family home in an urban settlement which the Local Plan states will be the main focus in the East Riding area for new housing. I accept that a three bedroomed house in an accessible location and an established residential urban area such as this would contribute to the housing need within the area. However, the benefits from one house would be limited and this does not outweigh the identified harm.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR