
Appeal Decision

Site visit made on 23 September 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal Ref: APP/E2001/W/19/3220864

2 The Meadows, Cherry Burton HU17 7RL

- 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 Keith Berrington against the decision of the East Riding of Yorkshire Council.
 - The application Ref DC/18/02901/PLF/EASTSE, dated 31 August 2018, was refused by notice dated 26 October 2018.
 - The development proposed is the erection of a dwelling on the site of the former Smithy on Main Street, Cherry Burton.
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Decision

1. The appeal is dismissed.

Procedural matter

2. While most of the evidence before me refers the site as being adjacent to but outside of the Cherry Burton Conservation Area (CA), the completed appeal questionnaire indicates that the site falls within a Conservation Area. From my inspection of the Map contained within the Council's Conservation Area Appraisal: Cherry Burton (the Appraisal), I, too, consider that the site appears to fall just outside the CA. I have proceeded on that basis.

Main issues

3. The main issues are firstly, whether the proposal would provide satisfactory living conditions for future occupiers and the occupiers of 2 The Meadows with particular regard to private amenity space; and secondly, the effect of the proposed development on the character and appearance of the local area.

Reasons

Living conditions

4. The proposal is to erect a single storey detached dwelling on land to the rear of 2 The Meadows, which is a bungalow that occupies an elevated position relative to the site due to a notable difference in ground levels. The existing garage would be demolished and removed to make way for the new addition and the associated access and vehicle turning area. Nevertheless, the space left around the proposed dwelling and the new parking and turning area would be limited. Consequently, the opportunity to provide private amenity space (PAS) to serve future occupiers would be restricted.

5. Specifically, the proposed PAS would be fragmented into small areas around the new dwelling, which would limit their value for typical domestic activities such as sitting out or for drying clothes. That the proposed PAS would also be directly overlooked at reasonably close range from either the rear windows of No 2 or from Main Street, across the village pond, would further diminish their usefulness as private external space. Taken together, the quantity, quality and usability of the PAS, which are key design considerations in new residential schemes, would be unacceptably poor. To my mind, the lack of adequate PAS is indicative of an overly intensive form of development on the site.
6. It may be possible to introduce additional screening between No 2 and the site, and also between the new dwelling and the village pond to overcome these overlooking problems. However, to be effective, these measures would need to be considerable in scale that would, in turn, feel oppressive to users of the proposed PAS given that the available outdoor space would feel unduly confined. Some prospective occupiers may not seek generous gardens and the modest scale of the new dwelling would be unsuited to families. However, these are insufficient reasons to make inadequate provision for PAS.
7. By subdividing the plot, as proposed, the back garden of No 2 would be shortened and the overall amount of PAS available to serve occupiers of the existing dwelling would be reduced. Nevertheless, gardens of varying depths would remain to the front, side and rear of No 2 that would provide adequate external areas to, for instance, sit out and for people to gather outside. As a result, the living conditions of the existing occupiers of No 2 would not be significantly reduced by the proposal.
8. Even so, I conclude on the first issue that the proposal would not provide satisfactory living conditions for future occupiers. As such, it conflicts with Policy ENV1 of the East Riding Local Plan 2012–2029 Strategy Document (LP). This policy aims to secure high quality design by, amongst other things, having regard to residential amenity. It is also at odds with the National Planning Policy Framework (the Framework), which states that developments should provide a high standard of amenity for existing and future users.

Character and appearance

9. The proposal would introduce a substantial built form into partly undeveloped land that, at present, adds to the open, spacious feel to the rear of No 2. This pleasant space, with its sloping grassed areas and frontage onto the village pond, positively contributes to the local area and the setting of the CA in several ways. First, it adds to the quality of the local environment by providing a welcome sense of space within the street scene. Secondly, it forms part of the largely open and green backdrop to the village pond when seen from Main Street to the west of the site. In doing so, the site visually accentuates the important role of the village pond as an important area of open space and as a distinctive focal point within the CA. This characteristic can be appreciated and experienced in the expansive eastwards view from Main Street towards the pond. The Appraisal explicitly acknowledges the positive contribution of the village pond to the special character of the CA.
10. According to the appellant, the simple design, low profile and position of the new dwelling reflects that of a Blacksmith's property that previously occupied the site. However, the Council says that the former 'Smithy' was demolished and removed some time ago and I saw that little remains of its existence

today. While the Smithy forms part of the site's history, I am unable to attach more than limited weight to this consideration in favour of the appeal.

11. Looking eastwards from Main Street towards the site several buildings are evident, including No 2, which present a hard built profile just beyond the CA. From this direction, there is a very strong degree of visual inter-connectivity between the site and the village pond in the foreground. Given that context, the appellant's view that the proposal would provide a soft transition from within to outside the CA is, to my mind, overstated. To the contrary, the new dwelling would appear to stand uncomfortably close to the water and the road, thus appearing cramped in terms of layout. It would also sharply curtail the expansive eastwards view from Main Street across the village pond. In doing so, the proposal would diminish the spatial feel within the local street scene. It would also undermine an essential characteristic of the village pond, which is the sense of openness immediately around it.
12. As a result, the proposal would cause significant harm to the setting of the CA. The appellant considers that development that affects the CA setting should not be subject to the same level of restriction as that which takes place within the CA. However, the Framework makes clear that significance derives not only from a heritage asset's physical presence, but also from its setting.
13. By causing significant harm to the open character of the village pond and its role as a focal point, the proposed development would reduce the positive contribution of this feature to the significance of the CA. The proposal would therefore have a deleterious effect on the character of the CA, which would fail to be preserved. The harm to the CA would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against the public benefits. No such benefits have been put forward and I find none that would outweigh the harm that I have identified.
14. On the second main issue, I conclude that the proposed development would cause serious harm to the character and appearance of the local area. It therefore conflicts with LP Policies S1, S3, ENV1 and ENV3. These policies require that new development has regard to the site's context, the character of the village and conserves those features that contribute to the special interest of conservation areas. It would also be contrary to the Framework, which states that developments should be sympathetic to local character; add to the overall quality of the area; and safeguard heritage assets.

Other matters

15. The Council and others raise several additional objections including sense of enclosure, visual impact, highway safety, ecology, and the potential disturbance to the pond during the construction phase. These are all important matters and I have taken into account all of the evidence before me. However, given my findings on the main issues, these are not matters on which my decision has turned.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR