
Appeal Decision

Site visit made on 21 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd december 2019

Appeal Ref: APP/V2004/W/19/3235027

33 Dayton Road, Kingston-upon-Hull, HU5 5TG

- 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 M. Smith against the decision of Kingston-upon-Hull City Council.
 - The application Ref 18/00463/FULL, dated 12 April 2018, was refused by notice dated 22 March 2019.
 - The development is described as 'Proposed New Dwelling on Land Adjacent to 33 Dayton Road.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council cited the absence of planning obligations necessary to ensure the provision of open space and trees as reasons for refusal. During the course of the appeal a planning obligation under Section 106 of the Town and Country Planning Act 1990 in the form of a Unilateral Undertaking was submitted. I shall return to this issue later in the decision.

Main Issues

4. The main issues in this case are:
 - The effects of the development on the character and appearance of the streetscene; and
 - The effect of the proposal on the living conditions of the occupiers of No.33 Dayton Road and whether the proposal would provide adequate standard of accommodation for the occupiers of the proposed new dwelling.

Reasons for the Recommendation

Character and appearance of the streetscene

5. The appeal site comprises an end terrace dwelling located at the junction of Dayton Road and Hove Road. The property is typical of the area, which contains a mixture of terraced and semi-detached dwellings. Houses in the area are set back behind front gardens with grass verges offering further separation from the road. Playing fields are situated behind the terrace in question, all of which contributes to a pleasant open and spacious feel to the streetscene.
6. The proposed two-storey dwelling would be constructed adjacent to the end of No.33 Dayton Road, in its side garden, using matching materials. No.33 already includes a two-storey rear extension, and the proposed dwelling would match this projection and height.
7. The appeal site, being a corner property, is in a prominent location and has a larger plot than most other houses on this street. The space between the side elevation and the road is an important feature that adds significantly to the open, suburban appearance of the area. The erection of a dwelling in this location would reduce the amount of open space which contributes positively to the area's character and appearance.
8. Moreover, the dwelling, which would be built at the back of the pavement, would have a long and imposing side elevation to Hove Road, which would dominate the streetscene and would appear particularly stark from the junction of Dayton Road and Hove Road as well as the playing fields to the rear. Whilst I acknowledge that there are areas of open space close to the site, this space would not off-set the mass of the building on its plot or its relationship to the street. Whilst street trees presently soften the appearance of the residential development and enhance the appearance of the area, from all I have read, it is unlikely that they would be retained in the long term.
9. Furthermore, the terraces on Dayton Road are generally designed in blocks of 8 and arranged in pairs. This is a notable characteristic of this part of the streetscene. Paired fenestration details add a uniformity and rhythm to the terrace. The appellant contends there is a variety in terrace lengths in the area and, while I did note some variation, such as a terrace of three dwellings immediately opposite, the three blocks of eight are the defining feature of this part of Dayton Road.
10. I appreciate that alterations have occurred over the years to the front of properties which has lessened the consistency of these facades. However, while elements such as porches and tile hangings may have been customised, the form and rhythm of the dwellings has largely been retained. A 9th dwelling on this row would not be part of a pair and would also be of a different width to those existing. Furthermore, as a result of its width the fenestration details would appear contrived. In addition, the front garden would also be restricted. For those reasons, while I appreciate that the difference in the width of the properties would be limited, it would nevertheless be apparent and accordingly the development would appear cramped and discordant.
11. I further note the approval by the Council of a similar development locally under reference 19/00805/FULL. However, it would appear from the submitted plans that there are some differences between the two applications. In particular, the approved dwelling features a single-storey side element which does not extend the length of the property, as such reducing its bulk and massing of the development and maintaining some degree of openness at the

junction. In any event, I must make my own decision on the proposal before me and the approved application does not alter my judgement in this regard.

12. I have taken into account the point made by the appellant that the development would still represent a lower housing density than planning policy would allow. Be that as it may, I can only consider the development on its own merits. For the reasons set out above, the proposal would have a detrimental effect on the character and appearance of the streetscene. As such, the development is contrary to Policies 14 and 21 of the Hull Local Plan (LP) which seek to ensure the delivery of a high-quality environment with regard to the relationship between development and the surrounding built form.

Living conditions of existing and future occupiers of No.33 Dayton Road and the proposed dwelling

13. The Council acknowledges that the internal space of the property would meet the national minimum space standards for a two-bedroomed dwelling. External space is already limited as a result of the rear extension. However, notwithstanding the character and appearance issues that would result from the construction of a dwelling in this space, the resultant gardens for both properties would be roughly the same size as others in the terrace. I noted on the site visit that many of the other houses have garages at the end of their rear gardens, while the proposed plans indicate paved areas for off-street parking instead. As such, the limited provision of outdoor amenity space would not be unusual and would provide residents of No.33 and the future occupiers of the new dwelling with an adequate standard of living.
14. As such, I find the proposal would not have an adverse impact on the living conditions of existing and future occupiers of No.33 or the proposed new dwelling with regards to provision of outdoor amenity space. Consequently, the development would be in accordance with Policies 14 and 21 of the LP in that respect and the National Planning Policy Framework (the Framework) which collectively seek to ensure a high-quality environment and a high standard of amenity for existing and future users.

Other Matters

15. The planning obligation, in the form of a Unilateral Undertaking, sets out the site owner's undertaking to make a financial contribution towards the provision of open space and trees elsewhere. The Council has expressed concern about certain aspects of the document. However, as I am dismissing the appeal on other grounds, this matter has not been determinative in the assessing of the proposal.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR