
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: 04 December 2019

Appeal Ref: APP/E2001/W/19/3235289

Winterwood, 2 Great Gutter Lane East, Willerby, Hull, East Riding of Yorkshire, HU10 6DE

- 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 Miss Sophie Gray against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01499/PLF, dated 1 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is described as "Construct a new compact 1 bedroom low profile dwelling. Ideal starter home/retirement/downsize/single occupation."
-

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.

Main Issues

3. The main issues for consideration in this appeal are
 - The effects of the proposed dwelling on the character and appearance of the area;
 - Whether the proposal would provide adequate living conditions for prospective future occupiers of the proposed dwelling with particular regard to the provision of outdoor amenity space; and
 - The effect of the development on the protected trees within the site.

Reasons for the recommendation

Character and appearance of the area

4. The appeal site comprises part of the front garden of the property known as Winterwood, located at the junction of Great Gutter Lane East (GGLE) and Main Street in a residential area, with existing access taken from GGLE. Winterwood is a detached, dormer bungalow which sits on a generous sized plot with rear and side garden areas alongside the front amenity space.

5. The proposed development entails the construction of a single-storey, one bedroom dwelling on this parcel of land utilising and adapting the existing access to form two separate driveways. The dwelling would be of simple form, with brick facing walls and a tiled, shallow pitched roof. A garden would be created to the front and rear of the new dwelling, extending past the side of the existing property. The plans also demonstrate a section of the land will be excavated to allow the dwelling to be partially sunk into the slope of the site.
6. Policy ENV1 of the East Riding of Yorkshire Council Local Plan Strategy Document 2016 (LP) states, amongst other things, that development will only be permitted where a high-quality design is provided which has regard to the character of the immediate locality. This is in line with the design aims of the National Planning Policy Framework (the Framework), which seeks to ensure through paragraph 127 that development will function well and add to the overall quality of the area as well as being sympathetic to local character. Furthermore, paragraph 70 seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
7. Adjacent dwellings on this side of GGLE are all detached, but are otherwise individual in architectural style, appearance and scale. Other than the exception highlighted by the Council at the property next door, these properties have large gardens on all sides which make a positive contribution to the area through their open and spacious feel. Houses either side of GGLE and Main Street are also generally set well back from the highway. The erection of a dwelling on the site, despite not being positioned directly in front of the existing dwelling, would reduce this sense of openness. Moreover, the siting of a dwelling close to the existing boundary, would be at odds with the prevailing character of the area.
8. I am also concerned a dwelling in this location would create a somewhat cramped and confined feeling on site which would not sit comfortably when viewed in context with the large plots on this row. While I acknowledge that the scale of the proposal is modest and smaller than other dwellings on this side of GGLE, the large plots upon which the houses are built is a defining characteristic of the area. The reduced garden area for Winterwood, and the new space created to serve the proposed dwelling, would be out of keeping with other plots on this side of the road. The appellant has drawn my attention to a detached garage to the front of the property next door for context with regards to the 'building line' of this side of GGLE. Nevertheless, its purpose is different to the proposal in that it is ancillary to a house and as such it appears as a subservient outbuilding. In contrast the appeal proposal, although designed as a 'lodge', would have no functional connection with Winterwood and would be seen as an independent dwelling. Consequently, the appeal proposal is not directly comparable to the garage.
9. The site is prominent in the vicinity, located on the corner of a busy junction and in an elevated position above the roads either side. While I appreciate vegetation would offer some screening from the public domain, I noted on the site visit the existing house is clearly visible from the corner of GGLE and along Main Street. I appreciate the proposed dwelling would be partially sunk into the site to enhance its assimilation, but this would not obscure it fully from view.

10. Consequently, I would conclude that the proposal, by virtue of its prominence and location would result in an incongruous addition that would adversely harm the character and appearance of the area. It would therefore conflict with the design objectives of Policy ENV1 of the LP and the Framework's core planning principle of seeking to secure high quality design which will function well and add to the overall quality of the area.

Living conditions of prospective future occupiers of the proposed dwelling with regards to overshadowing

11. The proposed dwelling includes rear garden space which would extend past the side of the existing property and would be bound on the other side by trees currently lining the boundary of Winterwood. These trees are large, mature specimens which are protected by a Tree Preservation Order (TPO).
12. Given their position to the northeast of the rear elevation of the proposed building, shadows are unlikely to be cast on the rear garden by the trees although, given their number and stature, it is likely that part of the rear garden would have reduced daylight, at least when the trees are in leaf. Nevertheless, given the space available, I am satisfied the garden would provide an adequate outdoor amenity area for the occupants of a one bedroomed property.
13. I acknowledge the Council's concern about the contribution the trees would make to the sense of enclosure in the rear garden; however, trees lining a property boundary is not unusual in a well-established leafy residential area. In this case, whilst the trees would be a very noticeable feature of the garden, they would provide an effective privacy screen. Moreover, given their off-set position from the rear windows of the building, they would not be unduly overbearing.
14. In conclusion, it is unlikely there would be unacceptable impacts upon the living conditions of prospective occupiers of the proposed new dwelling with regards to overshadowing and enclosure. The development would, therefore, accord with Policy ENV1 of the LP and the Framework as it would provide a satisfactory living environment and a high standard of amenity for future occupiers.

The protection and retention of trees on site

15. An arboricultural assessment was submitted with the application, which outlined measures to protect the trees from damage during the construction of the dwelling and explicitly states that no trees are required to be removed to facilitate the works. I also note the Council's Tree and Landscape officer has no objection to the proposal subject those measures outlined in the report.
16. I have no evidence before me to indicate the trees would be damaged during construction given there is agreement as to the approach to their protection. Furthermore, given their distance from the house and the fact that they would be off-set from the rear windows I am unconvinced that there would be pressure for their removal if the dwelling were to be approved. However, even if that were the case, given they are protected under a TPO, an application for their removal would be required to be approved regardless and the Council would retain control over this aspect should it arise.

17. As such, the proposal would protect and retain trees on site and is in accordance with Policy ENV2 of the LP, which seeks to ensure important hedgerows and trees are retained unless their removal can be justified in the wider public interest.

Recommendation

18. 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

19. 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