
Appeal Decision

Site visit made on 8 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/E2001/W/20/3246685

15 Queens Gardens, Hornsea HU18 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr W York against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/02846/OUT, dated 14 August 2019, was refused by notice dated 17 December 2019.
 - The development proposed is an outline application for new single storey dwelling on land SW of 15 Queens Gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. However, a scaled plan has been submitted which includes the floor area of the dwelling, and its eaves and ridge height, indicating that a single storey dwelling is proposed. I have afforded the submitted plan weight in the determination of the appeal.
3. The description of the proposal has been altered on the decision notice. However, the description of the proposal on the application form sufficiently describes the scheme and I have determined the appeal on this basis.

Application for costs

4. An application for costs was made by Mr W York against East Riding of Yorkshire Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are:
 - i. the effect of the proposal on the character of the area; and
 - ii. whether the proposal would increase flood risk associated with surface water within or beyond the site.

Reasons

Character of area

6. The appeal site forms garden land which backs towards Hornsea Mere to the rear of the relatively modern 15 Queens Gardens (No.15). 17 Queens Gardens (No.17) sits immediately to the north. Southwards from this property, long rear gardens of generally rectangular shape extending westwards towards the Mere form a strong characteristic of this part of Hornsea.
7. To the north of No.17, the building line extends further westwards with residential property both fronting Mere Side and having also been developed to the rear. However, dwellings to the rear of Mere Side appear to have been developed on wider plots and form a cluster of development which has a different character to the area to the south.
8. The appeal site shares its characteristics with the garden at No. 17 immediately to the north and those to the south which have largely open characteristics which make an attractive and positive contribution to the appearance of this part of Hornsea. The introduction of a dwelling into this setting would therefore erode the open character of the area and would be detrimental to its appearance.
9. The site falls within the Hornsea Conservation Area (the conservation area). Taking into account the character appraisal¹ the defining feature of the character and appearance of the conservation area sits largely in its diverse, mainly 19th Century architecture. The evidence further details that there is minimal special historic or architectural interest at and immediately around the appeal site. The exact appearance of the dwelling and other matters would remain reserved for future consideration in the event that I were minded to allow the appeal. However, the evidence indicates that a proposal of the scale suggested would have a neutral impact on the conservation area and would therefore preserve its character and appearance.
10. However, for the reasons outlined above I conclude on this issue that the proposal would erode the largely open characteristics of the rear garden at No.15 and would therefore be inappropriate to the character of the area. As a result, the proposal would be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document (ERLPSD) (2016) which amongst other things requires development to have regard to the specific characteristics of the sites wider context and the character of the surrounding area.

Flood Risk

11. The evidence indicates that the site is at low risk from surface water flooding. Whilst some photographic evidence of flooding has been submitted, there is no indication that this is a regularly occurring problem and there is little information as to the circumstances under which these occurrences of flooding have arisen. Further, many of these photographs appear to show flooding on sites adjacent to the appeal site, rather than the appeal site itself.
12. Surface water drainage has been considered as part of the proposal and the evidence indicates that the design and calculations for such a system have been accepted by the Council, meaning that such a system would be appropriate for the site. Given the outline nature of the application, it would not be an unreasonable approach to condition the exact final detail of the surface water drainage scheme.

¹ Hornsea Conservation Area Appraisal 2006

13. I therefore conclude on this issue that the proposal would not increase flood risk associated with surface water within or beyond the site and the scheme would not conflict with Policy ENV6 of the ERLPSD which seeks to reduce the risk from flooding.

Other Matters

14. I accept that the proposal would make a positive contribution to the local housing mix and afford this matter some weight. However, the harm that I have identified would outweigh such a benefit.

Conclusion

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

T J Burnham

INSPECTOR