
Appeal Decision

Site visit made on 3 July 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2020

Appeal Ref: APP/E2001/W/19/3242640

1 Edward Street, Pocklington YO42 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr D O'Donnell against the decision of the East Riding of Yorkshire Council.
 - The application Ref 19/02616/PLF, dated 20 June 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the erection of a detached dwelling house with parking.
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Decision

1. I dismiss this appeal.

Procedural Matter

2. The existing use of the appeal site is described in the planning application as a 'garden'. The hedging, conifers and grass have now been removed and replaced with gravel. On the day of my visit I noted that the site was being used for vehicle parking. For the avoidance of doubt, my decision is based upon the premise that the site is still designated as a residential garden.

Main Issues

3. The main issues are:
 - The effect of the development proposal upon the character and appearance of the residential garden and the neighbouring area; and
 - The effect of the proposed development upon the living conditions of future occupants of the dwelling with regard to its interior and exterior.

Reasons

Character and Appearance

4. The appeal site is a flat, triangular residential garden that has now been laid to gravel adjacent to 1 Edward Street. This road runs diagonally from close to the entrance with Yapham Road to 4 rows of houses further along the cul-de-sac. The proposed development comprises the erection of a 2-storey 2-bedroom detached dwelling with parking for 2 cars and a garden.
5. The site is immediately visible on entering the cul-de-sac. Within close vicinity, both on Edward Street and along the relevant section of Yapham Road, the

- dwellings are arranged in short 2-storey 4-unit blocks with small gardens to the front and back. The result of this layout is a large degree of visual uniformity and visual harmony within the neighbourhood.
6. According to the Appellant the site measures around 160 square metres and has quite a long taper. It forms part of a wide corridor of long rear gardens extending both sides of the cul-de-sac which provide an open space separating the dwellings along Yapham Road from those on Edward Street. The proposed dwelling would significantly sever this corridor, considerably restricting the generally open outlook across the garden of 92 Yapham Road and towards those of its neighbours.
 7. The proposed development would be the only detached dwelling along Edward Street and would be set back slightly from the adjacent block. It would have a pitched roof similar in design and height to its neighbours and would be separated from No 1 by 2 parallel driveways. The proposed triangular shaped garden would be enclosed by an existing tall solid wooden fence along the boundary with the rear garden of No 92 and a new, tall, brick pier and timber panel fence along the boundary with Edward Street. The dwelling would occupy a large part of the site and would be very close to the boundary with No 92 and with Edward Street. As a result, the proposed dwelling would look very cramped and thus out of character and discordant with its neighbours.
 8. There would be no windows on the elevation of the first floor that faces the rear garden of No 92. Moreover, at first floor level there would only be one small window on the elevation facing No 1 and another small window facing towards the triangular garden. In particular, the very prominent first-floor elevation overlooking its own garden would appear as a principal elevation when viewed from the entrance to the cul-de-sac. This fenestration, with 3 largely bare walls on the first floor including that overlooking its own garden, would be discordant with the surrounding dwellings and out of place.
 9. In addition, the main entrance would be on the side elevation rather than, as with the other dwellings in Edward Street, to the front. Again, this would jar with the neighbouring buildings and draw further attention to the appeal proposal's general lack of conformity.
 10. Other thoroughfares within the town, such as Brindlegate and Kirkland Street, do include small dwellings as well as larger ones. However, each application is judged on its merits and considered as regards its site and its surroundings. Thus, I attach little weight to this submission.
 11. For the above reasons the proposed development would cause harm to the character and appearance of the residential garden and the neighbourhood. It would thus fail to accord with Policies ENV1 and H4 of the East Riding Local Plan 2012-2029 Strategy Document 2016 (ERLP) which encourage high quality design that contributes to a sense of place and makes efficient use of land consistent with respecting the character and appearance of the site and neighbourhood. Similarly, it would also fail to accord with the advice set out in Paragraphs 124 and 130 of the National Planning Policy Framework (the Framework) that encourages a high standard of design for new development.

Living Conditions

12. The proposed garden area would be enclosed on both sides by a high fence and would, according to the Appellant, measure 62 square metres. Its triangular shape would appreciably reduce the amount of usable space within it. Moreover, the fences combined with the shape, would result in a tunnelled view from just in front of the patio door exacerbating the sense of enclosure. As a result, there would be an unacceptable loss of outlook from, and enjoyment of, the garden.
13. The upstairs second bedroom would be small but there is nothing to suggest that it would fail to comply with nationally ascribed space standards. The occupants of neighbouring properties would experience no loss of privacy, loss of light or loss of outlook as a result of the development proposal.
14. Notwithstanding the points in the paragraph above, the proposal would nevertheless fail to provide for an acceptable level of living conditions as regards outdoor garden space. Consequently, it would fail to accord with Policy ENV1(B4) of the ERLP and with the advice set out in Paragraphs 127f) and 130 of the Framework which require proposals for new dwellings to have regard to the living conditions of future occupants and be well designed.

Other Matters

15. The proposal is on a windfall site located within an established residential area, close to the centre of the town. Thus, it is well located with regards to local shops, services and employment opportunities and accords with the aims of reducing emissions. It would also provide an additional dwelling and so, albeit marginally, help to bolster the town's housing output. The application did not meet with any objections from third parties and there were no objections from any statutory consultees. If undeveloped there is a possibility that the site's condition would deteriorate although, the Council does have statutory powers to remedy such a situation, were this to happen. These points, however, do not, when taken together, outweigh the proposal's fundamental conflict with the Development Plan and the Framework.

Conclusion

16. For the reasons set out above the appeal should be refused.

William Walton

INSPECTOR