
Appeal Decision

Site visit made on 23 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 14th July 2020

Appeal Ref: APP/E2001/W/20/3245963

Substation site between Nos 165-167 Holme Church Lane, Beverley HU17 0QL

- 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 AGML Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/02648/PLF, dated 25 July 2019, was refused by notice dated 27 November 2019.
 - The development proposed is the erection of a single dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name given by the Appellant on the Planning Application is 'Heard'. For the purpose of clarity, I have used the company name, being AGML Ltd, as the identity of the Appellant. The first part of the address given is '167'. Again, for clarity, I have changed the address of the site to 'Substation site between Nos 165-167 Holme Church Lane, Beverley HU17 0QL'.

Main Issues

3. The main issues are the effect of the development upon:
 - the character and appearance of the streetscene; and
 - the living conditions of the occupant of No 167 with regard to the natural light to, and outlook from, 2 side windows and from the rear garden.

Reasons

Character and Appearance

4. The appeal site occupies a relatively narrow strip of land immediately adjacent to 167 Holme Church Lane in Beverley that used to accommodate an electricity substation. This section of Holme Church Lane is predominantly residential in character comprising mainly traditional terraced and semi-detached properties.
5. The strip of land runs from the back of the pavement to beyond the end of the back garden of No 167. The site is well maintained and appears to be very tidy. To the other side of the site is a driveway accessing the rear of 165 Holme

Church Avenue which is a semi-detached dwelling. No 167 is the end property of a relatively new small terraced block (Nos 167-175) built of traditional red brick that sit back from the pavement by around 2 metres. Behind these dwellings is a short cul-de-sac called Ostler Close containing a residential development with dedicated parking.

6. The appeal proposal comprises the construction of a 1-bedroom detached dwelling that would sit back from the pavement by about 5 metres. It would be 2-storey at the front but would include a single storey extension at the rear accommodating the kitchen. The area to the front of the proposed dwelling would be large enough to accommodate a car which would access the road via a dropped kerb. The dwelling would be constructed of traditional red brick, have a Victorian-style appearance and would have a tiled roof.
7. This section of Holme Church Road has a building line whereby all the properties are set back from the pavement by about the same distance. The proposed dwelling would occupy part of the void between No 165 and No 167 and sit back from the front of these properties by about 3-4 metres.
8. During my visit to the area I did not see any individual dwelling set back from its immediate neighbours in the way that is proposed on the appeal site. It is acknowledged that many of the traditional terraced dwellings along Holme Church Lane have a parking space to the front. But the building line for these properties is uniform. By being pushed back from the front, the appeal proposal would be disruptive to the harmony provided by the building line of its immediate neighbours and thus conspicuous and out of place.
9. It would align with No 167 at a slight angle such that the gap between the 2 dwellings would be, according to the Appellant, around 1.2 metres at the front tapering down to around 0.6 metres at the rear. This gap between the appeal proposal and No 167 would also look unusual and out of place with its neighbours.
10. The proposed dwelling would be noticeably narrower than each of Nos 167-175. This lack of width would be emphasised by its design, incorporating as it does a front door in the centre of the ground floor rather than off-centre like those in the adjacent new terrace and the adjacent semi-detached dwellings. Thus, although the plot might be larger than some its neighbours due to its length, its narrowness would result in a development that would look very cramped.
11. The roof of the proposed dwelling would run parallel with the road presenting a gable end in the same style as Nos 167-175 and, indeed, as most of the other dwellings within the area. However, it would be conspicuously lower than Nos 167-175 such that it would disrupt the harmony of the neighbouring ridgeline and look out of place.
12. For the above reasons I conclude that the development proposal would look out of place in Holme Church Lane and so would be discordant. Due to the narrow width of the site it would be cramped with have an appreciably lower ridgeline. As a result, it would harm the character and appearance of the streetscene. It would therefore fail to accord with Policy ENV1: A1 / B1 and B2 of the East Riding Local Plan 2012-2029 Strategy Document 2016 (LPSD) which seeks to encourage development that safeguards the diverse character and appearance of the area through high quality design and layout, respects the wider context

of the area and constitutes an appropriate use for the site. Furthermore, it would fail to accord with the advice set out in Paragraph 127c) the National Planning Policy Framework (the Framework) that new development should respect the character of surrounding built environment.

Living Conditions

13. The side elevation of No 167 contains a small frosted window on the ground floor and another window almost directly above it on the first floor. These windows are positioned about 4 metres back from the front elevation of the No 167. The appeal dwelling would project forward of these 2 side windows by around 2 metres and the two side elevations would be about 1 metre apart. According to the occupant of No 167 the ground floor window is in a WC and the upstairs window is to a landing.
14. The effect of the proposed dwelling would be to significantly reduce the amount of natural light through the 2 windows, in particular during the spring and summer months when the evening setting sun would be blocked. There is already a small loss of outlook caused by the gable-end of No 165 about 6-7 metres away but the proposed development would very significantly exacerbate this situation.
15. The single storey rear extension of the appeal proposal would extend along a line parallel with, and close to, the garden boundary of No 167 for about 2 metres. There would be no windows on the eastern elevation of the rear extension and so there would be no loss of privacy either to occupants of the proposed dwelling or those of No 167. There would be some degree of overshadowing during the summer evenings but not to any significant extent. There would also be some loss of outlook from the back garden but no more so than commonly occurs with neighbouring extensions. However, this does not outweigh the harm that I have found.
16. There would be a significant loss of outlook to the upstairs landing window and a significant loss of sunlight to both side windows of No 167. This would fail to provide for the satisfactory living conditions of the current and future occupants of No 167. Therefore, the development proposal would fail to accord with Policy ENV1 (B4) of the LPSD that seeks to ensure that new development protects the living conditions of occupants of neighbouring properties. Furthermore, it would also fail to accord with Paragraph 127f) of the Framework which advises that new development should provide for a high standard of living conditions of existing and future neighbouring occupants.

Other Matters

17. The proposal would represent an efficient use of brownfield land which, in principle, is suitable for residential development. Furthermore, it would be well located for public transport routes and for employment and other activities in Beverley. The LPSD identifies a need for 1-2 bedroomed homes in the area which this proposal would help to meet. The property would meet with nationally described space standards and the siting would ensure that there was access to No 167's outside electricity meter.
18. I have had regard to the potential negative effect of an appeal dismissal on the company's building programme but this, nor the other matters raised by the Appellant and discussed above, outweigh the fundamental conflicts with the

statutory development plan that I have identified in regard to the effect of the proposal on the character and appearance of the streetscene and upon the living conditions of the current and future occupants of No 167.

Conclusion

19. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR