



Appeal Decision

Site visit made on 18 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/E2001/W/20/3249728

Outlands, South End, Roos HU12 0HE

- 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 Mike Marriott against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/04029/OUT, dated 23 November 2019, was refused by notice dated 25 February 2020.
 - The development proposed is erection of two dwellings at Land East of Outlands, Roos.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved. As such, I have treated the submitted plans as being for illustrative purposes.

Main Issues

3. The main issues are i) whether the proposal would represent a suitable location for housing, having regard to relevant local and national policy; and ii) the effect on the proposal on the living conditions of neighbouring occupants, with respect to outlook, light, noise and privacy.

Reasons

Location for housing

4. The appeal site comprises the rear part of the garden of Outlands, a detached dwelling to the southern side of the village of Roos. To the north and east of the site are dwellings on Elm Garth. Outlands and the main road lie to the west, whilst to the south is an large agricultural field and open countryside. The garden is enclosed by boundary planting to all sides, though glimpses of the countryside are possible through the trees.
5. It is common ground between the main parties that the site lies adjacent to, but outside, the development limit of the village. The site therefore lies within the countryside for planning purposes, to which Policy S4 of the East Riding Local Plan 2012-2029 Strategy Document (April 2016) (the Local Plan) is relevant. The policy permits certain forms of development within the countryside, and it seems to me that the purpose of the policy is to provide a balance between the delivery of housing to meet defined needs and the protection of the countryside. The main parties agree that none of the types of development permitted under Policy S4 would apply to the appeal scheme.

6. The National Planning Policy Framework (the Framework) states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also indicates that new isolated homes in the countryside should be avoided unless there are special circumstances. The proximity of the site to residential development on three sides means the site is not isolated and it is not necessary to assess the proposal against the criteria of Paragraph 79.
7. The indicative plans show two dwellings comparable in scale and design to those on Elm Garth could be accommodated spatially on the site. The site is located between existing dwellings and a strong, established line of trees and hedgerows to the southern boundary, which would not be breached by the development and would reduce visibility of the dwellings from the south. Given these factors, the proposal would not result in harmful encroachment of development into the countryside, and would not offend this aim of Policy S4.
8. In terms of accessibility, the site would be located within walking distance of facilities in Roos, which include public houses, a village store and a primary school. There is also a bus service to Withernsea, Hornsey and Hull. Therefore, the site would be in a reasonably accessible location and occupants would not be entirely reliant on the private car, and could support the vitality of the village. This would accord with the general aims of Policy S3 of the Local Plan, which sets out the settlement hierarchy for the district. Roos is defined as a Primary Village in the fifth tier of the hierarchy, where development to meet local community needs and sustainable economic growth will be supported in order to sustain the overall vitality of rural areas, in line with the approach of the Framework. Such benefits would be small, however, in view of the modest scale of the proposal.
9. Under the Local Plan, the development limit of Roos was extended to incorporate two site allocations which are indicated to provide for housing needs in Roos over the plan period. The appellant argues that these sites encroach into the countryside in a manner the appeal site does not, and that the appeal site represents an anomaly to the development limit by excluding only part of the garden to Outlands. However, the site allocations, and the development limit of Roos, which interested parties indicate has been in place since the 1970s, have been recently assessed through the local plan process, and form part of the adopted development plan. It is not my role to re-consider the development limits of the village in a Section 78 appeal. Given the allocations which exist, and the Council's overall ability to demonstrate a five year supply of deliverable housing land, which is not contested by the appellant, the benefit of the dwellings to the housing stock would be limited.
10. It is argued that the site is an under-utilised site and gains support from the Framework which encourages re-use of brownfield and previously developed land (PDL). However, the definition of PDL excludes residential gardens in built-up areas, and whilst the garden area forming the appeal site is outside of the development limit of the village, it is surrounded by built form. As such, I do not regard the site as PDL in terms of the Framework. This aside, I saw the whole of the garden to be well-maintained, and appeared to be used by the occupants. Large though it may be, the garden did not appear excessive in size relative to the dwelling, nor did the area comprising the appeal site appear physically or visually detached from the dwelling. Therefore, I attribute limited weight to the benefit of making more effective use of the land.

11. Taking these considerations together, the location of the proposal outside the settlement limits of the village means there would be conflict with Policy S4 of the Local Plan. However, the site would be located next to existing residential development and would not cause harm through encroachment into the countryside. The dwellings would also be located within walking distances of services and facilities in Roos, and occupants could avail of public transport, reducing reliance on the private car.
12. Therefore, whilst the site would be located outside of the development limit of Roos, the accessible location of the development and the lack of encroachment into the countryside means the proposal would not significantly undermine the aims of the spatial strategy of the Local Plan set out across Policies S1, S2, S3 and S4, in terms of supporting sustainable patterns of development and locating development where it would reduce the need to travel.

Living Conditions

13. The appeal site is visible from the upper floors of Nos 6, 8 and 10 Elm Garth, with glimpsed views through trees from other properties. The height of the proposed dwellings is not established at this stage, nor are the locations of windows or their proximity to neighbouring dwellings. However, given the limited site area, together with the need to provide sufficient parking and turning areas, private garden space and adequate separation distances to neighbouring dwellings, I consider the general layout is unlikely to differ significantly from the indicative plans shown.
14. Having seen the relatively limited number of upper floor windows of neighbouring properties which are visible from the site, I am satisfied that the dwellings could be designed in such a way and located a sufficient distance from neighbouring dwellings to prevent direct overlooking, loss of light, overshadowing or significant harm to neighbours' outlook.
15. The submitted plans show a driveway to the northern side of the site, next to the common boundary with the dwellings on Elm Garth. Whilst these are only indicative plans, I understand the principle of the access being to the northern side of Outlands is common ground between the main parties, as access to the south of Outlands would breach the existing site boundary and run a driveway into the adjacent field, with consequential effect on the character and appearance of the area. This option is also indicated to have adverse implications for highway safety due to the access emerging at a junction and physical constraints in forming an access wide enough for two vehicles to pass.
16. The proposed driveway would be located immediately to the rear of properties in Elm Garth, which have short rear gardens and would be separated from it only by a hedgerow. Given the south facing aspect of these rear gardens, residents would be expected to make frequent use of them, and have windows and doors open to the gardens in good weather, particularly given the tranquil nature of the adjacent appeal site in its present use as a garden.
17. The introduction of a shared driveway would lead to noise from vehicles entering, parking and exiting, including delivery vehicles and visitors and would significantly alter the peaceful character to the rear of Elm Garth. At such close range, noise from vehicles would be clearly audible to neighbouring occupants both inside and in the garden, and would cause significant disturbance to them, particularly where such comings and goings occur early in the morning or late

at night. The off-setting of the driveway would have little to no effect on the levels of noise which neighbours would hear, and given the limitations on other points of access, I am not satisfied that this harm could be overcome by re-locating the driveway at reserved matters stage.

18. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of neighbouring occupants, in conflict with Policy ENV1 of the Local Plan which supports development where it achieves a high quality of design that, amongst other things, has regard to the amenity of existing or proposed properties. The proposal would similarly conflict with the aims of the Framework to create places with a high standard of amenity for existing and future users.

Other Material Considerations

Highway Safety

19. A number of interested parties raise concern over a perceived danger to highway safety from the use of the existing access to Outlands for two additional dwellings. This concern stems from the proximity of the entrance to a 90 degree bend in the road. The local highway authority did not raise objection to the proposed use of the existing access. I saw that the access is close to the bend and views of it are restricted for drivers approaching along Lamb Lane, but the access already exists, and the sharp bend would require drivers to slow as they pass the entrance. I appreciate the views of local residents who attest to the dangerous nature of this bend and to the level of traffic using it, although I have little substantive evidence to verify these claims. At my site visit traffic was quite low and not particularly fast moving, though I appreciate this was only a snapshot in time. Nonetheless, the evidence before me does not lead me to find significant harm would arise in respect of highway safety.

Local Concerns

20. I have had regard to other concerns raised by interested parties in respect of matters not already addressed, including effects on drainage, watercourses and flood risk, on wildlife, trees and hedgerows. However, the evidence before me in these matters does not indicate that they would cause additional material harms to be factored into the planning balance, and therefore I do not address them in further detail. Concerns relating to the devaluation of properties is not a material planning consideration.

Planning Balance

21. I have found that whilst the proposal would conflict with Policy S4, it would not significantly undermine the overall aims of the spatial strategy for the reasons set out. However, I have found that the proposal would cause significant harm to the living conditions of neighbouring occupants due to noise and disturbance. Therefore, the proposal would conflict with the development plan, taken as a whole.
22. There would be social benefits from the addition of two dwellings and new residents to support the vitality of the village, and economic benefits from the construction of the dwellings, though this would be a temporary benefit, and from subsequent use of local services by future residents. However, these would be limited in view of the small scale of the proposal.

23. In my judgement, the benefits of the proposal, taken together, would not amount to material considerations which would outweigh the identified conflicts with the development plan, to which I afford significant weight, and would not justify a decision being made other than in accordance with the development plan, taken as a whole.

Conclusion

24. Therefore, having regard to all matters raised, the appeal is dismissed.

K. Savage

INSPECTOR