



Appeal Decision

Site Visit made on 30 November 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/E2001/D/20/3254767

The Coach House, 53 Ferriby Road, Hessle HU13 0HS

- 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 Mr Philip Wood against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/00062/PLF, dated 9 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed was described as alterations to roof and roof materials of coach house outbuilding. Replacing existing timber fence along front boundary with wall and security gates.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of timber security gates with brick wall to front entrance. The appeal is allowed insofar as it relates to the installation of replacement and additional rooflight windows to front and rear and solar panels to rear of existing outbuilding and planning permission is granted for the installation of replacement and additional rooflight windows to front and rear and solar panels to rear of existing outbuilding at The Coach House, 53 Ferriby Road, Hessle HU13 0HS in accordance with the terms of the application, Ref 20/00062/PLF, dated 9 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: CHGW1-PD1-BP001, CH1-PD1-E001, CH1-PD1-P001
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall use those matched in the existing building.

Procedural matter

2. The description of development in the heading above has been taken from the planning application form. However, as it does not describe the roof alterations proposed to the outbuilding, other than for the replacement of the existing slates with different slates, it is unclear what roof alterations are proposed. As a result, in the determination of this appeal I have used the following fuller description used by the Council when it dealt with the application '*installation of replacement and additional rooflight windows to front and rear and solar panels to rear of existing outbuilding and erection of timber security gates with brick wall to front entrance*'.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of Hessle (Southfield) Conservation Area.

Reasons

4. The appeal site is located within Hessle (Southfield) Conservation Area. In the exercising of planning functions the statutory test in relation to conservation areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy ENV3 of the East Riding Local Plan Strategy Document ('Local Plan') requires the conservation of the character and appearance of heritage assets such as conservation areas.
5. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation.
6. In terms of assessing the significance of the conservation area and the contribution that the appeal site makes to it, I have taken into account the Hessle (Southfield) Conservation Area Appraisal (CAA), the comments of the main parties and my observations during the site visit.
7. The conservation area covers an area of predominantly large, generously proportioned high quality late Victorian and Edwardian houses. The scale and architectural style of houses, together with privet hedges along the front boundary, are an intrinsic part of the conservation area's character and help to differentiate it from the more recent surrounding suburban development. The significance of the conservation area is therefore architectural and historical.
8. The appeal site consists of a spaciouly set semi-detached villa with a gable ended coach house to its rear. As the coach house is set far back at the end of a long back garden it is not a prominent feature in the streetscene with only its front roof slope, partly screened by intervening shrubs, discernible in public views.
9. The high value of privet hedges to the character of the conservation area is recognised by the CAA. The front boundary is marked by a privet hedge enclosing the side garden and a wooden fence in front of the house with an ungated gravelled access to the house separating the two. As the hedge is tall and in good condition it is in keeping with the character and appearance of the conservation area and makes a positive contribution to it.
10. The proposed development would double the number of rooflights on each of the outbuilding's front and rear roof slopes from two to four. It would also introduce four solar panels on its rear slope. Given though that the rear roof slope of the coach house is not visible in public views, and that in views from Ferriby Road the front roof slope is barely noticeable, these features would not have an adverse effect on the character and appearance of the conservation area.
11. The proposed tall brick wall that would replace the privet hedge and the similar length of tall brick wall proposed on the other side of the access would be dominant features that would have an urbanising effect on the streetscene. The

walls would be starkly at odds with the front boundary hedges that are one of the defining characteristics of the conservation area. In addition, the solid nature of the tall gates would limit public views of the attractive flank of the house which makes a positive contribution to the streetscene.

12. Reference has been made to twelve houses with gated entrances within the conservation area. The majority have short sections of adjoining front boundary walls with a few having walls along the whole of the front boundary. In a conservation area though consisting of hundreds of houses these dwellings are too few in number and too thinly scattered to have changed its character and appearance to the extent that the proposed walls and gated entrance would fit in. For these reasons, I therefore find that the proposed front boundary treatment would be detrimental to the character and appearance of the conservation area as a whole.

Other matters

13. Decision makers are required by the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 to advance equality of opportunity and to eliminate unlawful discrimination in relation to, amongst others, people with disabilities.
14. I have had due regard to the PSED in considering the information provided by the appellant regarding the disability related need for improved bin storage and collection arrangements which the proposed development addresses. However, as it has not been demonstrated that these improvements could not be achieved by a lesser scheme which complements the conservation area, I attach little weight to the equality implications of the proposal in favour of the appeal.

Planning Balance

15. I have found that the proposed alterations and additions to the roof of the outbuilding would not harm the conservation area and so would achieve the objective of preservation. As these alterations and additions are clearly severable physically and functionally from the proposed changes to the front boundary and access, they should therefore be allowed subject to conditions.
16. The harm caused by the proposed brick wall and security gates to the front of the property to the significance of the conservation area as a whole would be less than substantial. In such circumstances, paragraph 196 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
17. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the conservation area. On the other side of the balance, the proposal would improve highway safety by a small amount. It would achieve this by slightly improving the visibility of highway users when a vehicle exits the site and by including a bin collection area that avoid bins obstructing the pavement when put out for collection. I attach moderate weight to this public benefit of the scheme.
18. The proposed development would also involve the replacement of two trees with native trees and it is stated that the combination of the gates, wall and fence would prevent hedgehogs from wandering onto the road. However, it would take many years for the new trees to grow large enough to materially improve biodiversity and there is no substantive evidence before me that hedgehog numbers in the area are being adversely affected by front boundary

treatments that allow hedgehogs to be killed on the road. I therefore attach minimal weight to this benefit of the proposal.

19. The electric gates would improve security at 53 Ferriby Road. However, this would be a gain to the occupiers of the house rather than a public benefit of the scheme.
20. Taking all these matters into account, my overall conclusion is that the public benefits of this aspect of the proposed development falls short of outweighing the harm that would be caused to Hessle (Southfield) Conservation Area. The proposed brick wall and gates would therefore be contrary to a policy of the Framework that provides a clear reason for refusing the development proposed, as well as failing the statutory test. As such it would be contrary to section 16 of the Framework, in addition to being contrary to policy ENV3 of the Local Plan. Whilst the proposal may well in time improve biodiversity slightly, in compliance with policy ENV4 of the Local Plan, I find that the proposed development would be contrary to the development plan considered as a whole.
21. The private benefits of the scheme, such as improving the security of 53 Ferriby Road and providing easy access to the storage area next to the access for waste and recycling bins, are insufficient to outweigh the conflict with the development plan and the harm that would be caused.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed in relation to the work proposed to the outbuilding and dismissed in relation to the proposed brick wall and security gates to the front of the site. For the avoidance of doubt, and in the interests of proper planning, development of that part of the scheme I am permitting needs to be carried out in accordance with the approved plans. To ensure that it complements the appearance of the existing outbuilding matching materials also need to be used. I have required these matters by condition.

Ian Radcliffe

Inspector