
Appeal Decision

Site visit made on 17 May 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/E2001/W/21/3268369

30 Lowfield Road, Anlaby HU10 7BT

- 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 & Mrs Savage against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/02182/PLF, dated 9 July 2020, was refused by notice dated 7 December 2020.
 - The development proposed is demolition of garage erection of a pair of semi detached houses new road crossing.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of garage erection of a pair of semi detached houses new road crossing at 30 Lowfield Road, Anlaby HU10 7BT in accordance with the terms of the application Ref 20/02182/PLF dated 9 July 2020 subject to the conditions in the attached schedule.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second and third main issues are the effect of the proposal on the living conditions of occupiers at 34 Lowfield Road (No. 34) and on future occupiers of the appeal scheme.

Reasons

4. The appeal site sits within a residential area of Anlaby. The residential dwellings in the area are mixed in scale, the locality incorporating single along with two storey dwellings. The appeal proposal relates to a pair of semi-detached dwellings which would be in the form of dormer bungalows. They would face onto Voases Lane and be set at the western end of what are currently the long rear gardens of 30 and 32 Lowfield Road (No's 30 & 32) which sit further to the east.

Character and appearance

5. It would be the case that the plots which would be attributed to each dwelling would be smaller than the plots which predominate in the area. They would be somewhat compact. However, each dwelling would be set well back from Voases Lane which has no single established building line and would incorporate modest but pleasant well-lit garden areas to their sides. The depth of the resultant gardens at No's 30 & 32 would reflect the depth of the rear gardens of the properties closely to the north at 22 and 24 Lowfield Road.
6. The proposal takes cues from the existing bungalows at No's 2 and 4 Voases Lane to the north. Although the proposed dwellings would be set on much smaller plots this would be unlikely to be noticeable from public vantage points or from property opposite the site given the greater depth of their plots is accommodated to the rear. The large detached dwelling to the west (1 Voases Lane) would have a bigger plot, but this would be expected given the relative size of that dwelling. Views towards the site from this property would be limited given that its main outlook is to the north and south. Views towards the site from properties on Lowfield Road would be limited as a result of the depth of the gardens.
7. The proposal, as a result of its design and positioning would not therefore appear cramped or represent overdevelopment of the plot when viewed from public vantage points or from nearby residential dwellings. Subsequently it would accord with Policy ENV1 of the East Riding Local Plan Strategy Document (2016) (ERLPSD) which amongst other things requires development proposals to safeguard and respect the diverse character and appearance of the area through amongst other things, design and layout. It also requires that development has regard to the character of the surrounding area.

Living conditions

8. The dwellings would clearly form a notable feature when viewed from the western end of the garden at No.34 due to their reasonably close proximity to the boundary. However, the garden is of extensive length. Critically, the dwellings would be placed next to the bottom end of the garden, whereas generally, garden areas closer to dwellings are more regularly used.
9. The proposed close boarded timber fence at 2m in height would largely screen off views of the lower elevations of the dwelling (which would have their eaves at 2.5m in height) from within the garden, while the roof would pitch away from the boundary. Further, the properties would be set to the north of the garden at No.34 and would not interfere with the path of sunlight. I do not therefore consider that the proposal would be of such a massing or positioning that there would be any unacceptable sense of enclosure for the occupiers of No.34.
10. The kitchen windows would have a limited outlook given their position in relation to the fence, although would still be likely to receive good levels of daylight and sunlight due to their bright southerly aspect. In any event, the kitchen and living room would be combined, meaning that the room would also benefit from full length glazed doors from where pleasant views of the side gardens could be enjoyed. The dwellings would therefore provide acceptable living conditions to future occupiers.

11. The proposal would therefore accord with Policy ENV1 of the ERLPSD where amongst other things it requires development to have regard to the amenity of existing and proposed properties.
12. The Council have not identified any unacceptable impacts on the living conditions of the occupiers of other nearby property and I have no reason to disagree.

Other Matters

13. I note concerns surrounding the effect of the proposal on highway safety. However, adequate off-street parking would be provided. It may be possible that the additional access on Voases Lane may cause slight displacement of a small amount of on street parking on the southern side of the lane.
14. However, the Council identify that the proposal is not anticipated to cause significant harm to highway safety nor is it expected to have an impact on the local highway network. There is nothing within the evidence to suggest that leads me to consider otherwise.
15. I have not found conflict with other Policies of the ERLPSD (A1, EC4, ENV2, ENV6, H1, H4, S1, S2 or S3) that have been brought to my attention.

Conditions

16. A set of suggested conditions should the appeal be allowed were forwarded by the Council. I have amended some of these in the interests of clarity. In addition to the standard three-year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
17. I have imposed a condition requiring the approval of external materials in the interests of the character and appearance of the area, while conditions are necessary relating to parking and boundary treatment in the interests of highways safety and character and appearance and living conditions of nearby occupiers. There is concern over the contribution that surface water draining from the site could contribute to this type of flooding. Although not within the suggested list of conditions the officer report indicates that such a condition should be added and I have found conditions necessary in the interests of the proper drainage of the site.
18. While planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, such a condition is necessary in this case. I have amended the condition supplied by the Council in the interests of precision and clarity. It restricts permitted development rights relating to the enlargement, improvement or other alteration of the dwellings and additions or other alterations to the roof. This is necessary in order to protect the living conditions of occupiers of nearby properties.
19. I have not found a condition restricting the provision of buildings incidental to the enjoyment of the dwellinghouses necessary and this has not been justified within the evidence. I have not found a condition relating to site or floor levels necessary given the reasonably flat terrain of the site.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, LOW / 6 / 20 & LOW / 01 / 20 / B.
- 3) The site shall be developed with separate systems of drainage for foul and surface water.
- 4) Prior to the piped discharge of surface water from the development, details of the drainage scheme shall have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be retained for the lifetime of the development. If discharge to the public sewer is proposed the details shall include, but not be limited to:
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 50% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- 5) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 6) Prior to the first occupation of the dwelling to which they relate, the vehicular accesses shall be provided and space laid out for motor cars to be parked in accordance with the details on drawing LOW / 6 / 20. The accesses and parking facilities shall thereafter be retained for that purpose for the lifetime of the development.

- 7) Prior to the first occupation of the site, a scheme which fully details the proposed boundary treatments at the site shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall thereafter be installed at the site prior to the first occupation of the dwelling to which it relates and shall thereafter be retained for the lifetime of the development.

- 8) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling nor additions or other alterations to the roof of the dwellinghouse shall be made unless details have previously been submitted to and approved in writing by the local planning authority.