
Appeal Decision

Site visit made on 4 May 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2021

Appeal Ref: APP/E2001/D/21/3268084
14 Mount Avenue, Hessle HU13 0QD

- 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 John Shelton against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/02649/PLF, dated 22 July 2020, was refused by notice dated 18 November 2020.
 - The development proposed is a car lift.
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Decision

1. The appeal is allowed. Planning permission is granted for a car lift at 14 Mount Avenue, Hessle HU13 0QD in accordance with the terms of the application Ref 20/02649/PLF, dated 22 July 2020 and the plans submitted with it.

Procedural Matters

2. I noted on my site visit that the car lift was present within the front garden of the appeal property. This structure appeared to broadly accord with the submitted plans. I have determined the appeal on the basis of the submitted plans for the avoidance of doubt.
3. 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. I note that hard standing has also been installed at the site. The evidence indicates that the Council have previously deemed this to form permitted development.

Main Issues

4. The main issues are the effect of the car lift on the character and appearance of the area and on the living conditions of occupiers of surrounding properties.

Reasons

Character and appearance

5. The character of Mount Avenue is residential. The properties within the terrace in which the appeal property sits have well sized front gardens. Other parts of Mount Avenue have a verdant appearance as a result of the presence of front boundary hedges. The boundaries to the front of the terrace within which the appeal property sits are relatively open and this allows views towards the car lift from the highway.

6. However, the car lift is a relatively slender structure consisting in the main of two vertical pillars attached to a reinforced concrete slab. It is set back away from the highway and read against the hard-surfaced front gardens on this part of the terrace which are dominated by car parking and storage of other items such as caravans.
7. At the time of my site visit the pillars were covered by plastic covers which appear to mimic the appearance of a tree trunk topped with shrubbery. They make the car lift hard to spot from the street to the casual observer. They slightly soften the appearance of the metal pillars that would otherwise have more of a utilitarian appearance.
8. It is likely that the covers would have to be removed while the lift was in use. At these times the car on the lift would be visually dominant. I have no reason to believe that the lift would be left uncovered for any significant period of time. Even if it were, its limited frame and massing would mean it would not form an overly obvious feature. I have not therefore added the Council's suggested condition relating to the covers as it is not necessary.
9. I therefore conclude on this issue that there is no significant adverse effect on the character and appearance of the area. The car lift does not therefore conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (2016) (ERLPSD) which amongst other things requires development proposals which safeguard and respect the character of an area.

Living conditions

10. The servicing of cars can create noise and fumes. However, it would rarely be unreasonable for a resident to carry out car servicing on a personal basis within the garden of their home. The servicing of cars within this context would be unlikely to result in many incidents of noise or the significant emission of fumes.
11. The appellant indicates that the use of the lift is on a personal and limited basis only. He confirms that he is retired and has a health condition which requires him to elevate cars to be able to work on them. Whilst there is concern that the lift is used in association with a commercial enterprise, there is no evidence before me that this is, or would be the case.
12. The inclusion of a condition which would limit the use of the lift to personal use only by the appellant is unnecessary, as the proposal solely relates to the car lift rather than any change of use; including the use of the site on a commercial basis. I therefore conclude on this issue that the car lift does not conflict with Policy ENV1 of the ERLPSD where amongst other things requires that development has regard to the amenity of existing properties.

Other Matters

13. A petition has been included, signed by residents in the local area where no objections are offered to the non-commercial use of the lift. The petition indicates a significant degree of acceptance of the car lift locally. It does weigh in favour of the proposal. However, nearby residents may change over time, and they may feel differently about the development. I therefore afford it limited weight.

14. Conditions suggested by the Council relating to materials and approved plans would not be appropriate given the appeal development appears to be completed.

Conclusion

15. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR