



Appeal Decision

Site Visit made on 12 August 2021

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/V2004/W/21/3276575

202 Wymersley Road, Hull HU5 5PX

- 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 Hotham Holdings Ltd against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 21/00327/FULL, dated 6 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is erection of end terrace two-bedroom dwelling and associated infrastructure following demolition of garage and sheds at rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Policies within the Framework are material considerations which should be taken into account for the purposes of decision making from the date of its publication. The parties have had an opportunity to comment on the revised Framework during the appeal process.

Main Issues

3. The main issues of the appeal are:
 - The effect on the character and appearance of the area, and;
 - Whether the proposal would provide for a satisfactory living environment for existing and future residents of No 202 Wymersley Road and the proposed dwelling, with particular regard to private amenity space.

Reasons

Character and appearance

4. The appeal site comprises No 202 Wymersley Road (No 202), a two-storey end terraced dwelling in an existing row of eight properties, together with its side and rear garden. No 202 faces onto an access road that is separated from the Wymersley Road through-route by a tree-lined verge. The road also provides access to properties in Daville Close, with the site lying on a corner plot adjoining the junction at the side. The existing dwelling has a rear conservatory and a detached garage at the rear that adjoins a narrow access road. The rear access road also abuts the side boundary of No 1 Daville Close (No 1), an end terraced property in a row of four.

5. The existing terraced rows facing Wymersley Road have a general consistency of front building lines behind relatively shallow front gardens with a mix of low boundary treatments and some open frontages used for parking. It is evident that the original pattern of development included significant side spacing at junctions of Wymersley Road. As such there is a degree of relief from built form and a sense of spaciousness at the junction of Daville Close to which the site currently contributes, despite the presence of an established side boundary treatment of fencing and supplementary hedging. On the opposite corner, a two-storey dwelling (No 200A) has been previously added within the former side and rear garden of No 200. Its presence has reduced the original extent of spaciousness around the Daville Close junction to the south, despite some separation of the building from the footway edge having been maintained.
6. The proposal seeks to add a two-storey dwelling at the side of No 202 with a similar side gable roof design, building lines and materials to those which characterise the existing property and those elsewhere in the terraced row facing Wymersley Road. The similar design, scale and proportions, together with corresponding fenestration, would maintain the rhythm of the terraced row as a complementary addition. Furthermore, the inclusion of a bay window and the pitched roof design of the front entrance porch would be compatible with subtle variations that exist between properties. The new dwelling, therefore, would assimilate appropriately with the terraced row when viewed further along Wymersley Road. However, its proposed addition within the existing side garden of No 202 would result in an increased enclosure of built form close to the footway edge of Daville Close at the side that would be increasingly evident when approaching the junction.
7. With regard to the above, the alignment of Daville Close and the position of terraced properties at the rear of the site results in a closer rear access road and therefore, shallower rear gardens than typical of terraced rows facing Wymersley Road further to the south. Consequently, the existing relationship between the rear elevation of No 202 and the side elevation of the end terrace (No 1) is untypically close. To my mind, this emphasises the importance of the compatibility of the side elevation of No 202 and the front building line of the terraced row to provide an appropriate visual transition between the respective streets. This is currently achieved by the respective buildings maintaining a necessary sense of space through separation of built form from the footway edge when entering Daville Close, prior to that road turning south east which influences the front building lines of terraced rows beyond.
8. It follows from the above that the proposed addition of the substantial scale, bulk and massing of the two-storey dwelling immediately adjacent to the footway edge would introduce an overly prominent, dominant, intrusive and disruptive feature. The proposed dwelling would be no closer to No 1 Daville Close. However, the change in the visual relationship arising from the significant addition of built form beyond the established front building line of the terraced row at the rear would emphasise the scale, bulk and massing of built form close to the footway edge. As a result, the proposed dwelling would appear unacceptably conspicuous and incompatible with the adjoining pattern of development in Daville Close with a consequent harmful sense of enclosure and loss of spaciousness when viewed within and as part of that street scene.
9. The visual effect would be marginally softened by the addition of boundary treatments and landscaping to the rear garden but would not overcome the

harm arising from the scale, bulk, massing and proximity of built form introduced in close proximity to the footway edge. The proposal, therefore, would have an unacceptable impact on the character and appearance of the area and would fail to achieve the appropriate sense of place associated with layout, density, form, scale, context, views, enclosure of streets, spaces and corners as set out within guidance in the Hull Residential Design Guide (SPD).

10. In reaching the above findings, I have taken account of the addition of No 200A on the opposite corner plot as previously mentioned. In that respect, the side elevation of No 200A differs from the proposal as it maintains a greater degree of space to the footway edge and the alignment of Daville Close results in a markedly different and more spacious relationship with the nearest properties to its rear. In any case, the cumulative effect of the proposal when taken with the addition of No 200A would contribute to a sense of unacceptable enclosure by built form at the entrance to Daville Close which would be emphasised by the stark contrast with the spacious and verdant setting beyond the frontages of properties facing Wymersley Road. It follows that the presence of No 200A does not justify the harm that would arise from the proposal before me.
11. The appellant has drawn my attention to a recent appeal decision which allowed a side extension at 877 Spring Bank West (APP/V2004/D/20/3265344). The evidence also refers to other specific examples of developments and extensions on corner plots, including at the junctions of Wold Road with Danube Road, Moorhouse Road and Worcester Road, Hotham Road South with Moorhouse Road and Westlands Road, and in Hove Road. There are some similarities in those examples of development close to the footway edge at the side and projecting beyond building lines of properties facing adjoining streets. However, I observed that the relationship with and/or separation distance to surrounding properties in each case was different to the proposal before me and therefore, do not directly replicate the specific circumstances I have identified in this case. The presence of those examples in the local area, therefore, does not justify the harm identified.
12. I conclude that the development would significantly harm the character and appearance of the area. The proposal would, therefore, conflict with Policy 14 of the Hull Local Plan 2016 - 2032 (LP), adopted November 2017, and the associated guidance in the SPD. The policy relates to design and supports delivery of a high-quality environment including the relationship between the development and surrounding built form in terms of character, layout and connectivity, scale, massing, enclosure, grain and density. The policies are consistent with the design objectives of the Framework.

Living environment - existing and future residents

13. The SPD provides supportive guidance to the broad aim of Policy 14 of the LP to deliver a high-quality environment, including in terms of the provision of private amenity space. In that context, the SPD indicates that to prevent overdevelopment and leave sufficient open space for outdoor activity, that the ratios of plot area to building footprint for terraced houses are likely to be closer than the 60:40 ratio required for detached and semi-detached dwellings. The SPD also refers to Building for Life 12 recommending an average ratio of 50:50 and that garden sizes do not have to be uniform across a development.
14. Based upon the evidence, both No 202 and the new dwelling would be served by an undeveloped plot area/private amenity space in excess of a 50:50 ratio

relative to their footprint. This would remain the case even following revisions made prior to the Council decision to replace the detached garage with 2No. car parking spaces to serve the proposed dwelling and reduce the rear gardens accordingly. It follows that although future occupiers of No 202 and the proposal would be served by smaller rear amenity spaces than the existing property, they would be sufficient to provide a suitable multi-functional space to meet the day-to-day needs of residents including as a seating area, to hang washing, a modest play space for children and provide storage for bins and cycles. Furthermore, appropriate boundary treatments would enclose and screen the rear gardens to ensure their privacy. Consequently, when taking those matters into account, together with sufficient internal space in each property, I find that the proposal would achieve a satisfactory living environment for existing and future residents of No 202 and the new dwelling.

15. In reaching the above findings, I have also taken into account that the proposed dwelling would maintain the existing main building lines of No 202 and would have adequate separation distances to the side elevations of No 200A and No 1 Daville Close to prevent any overbearing, overshadowing or privacy issues between the properties
16. Having regard to all of the above, I conclude that the development would provide for a satisfactory living environment for existing and future residents of No 202 Wymersley Road and the proposed dwelling, including with regard to private amenity space. The proposal would not conflict with Policy 14 of the LP, the associated guidance in the SPD or the Framework in that respect.

Other Matters

17. With regard to paragraph 69 c) of the Framework, the previous reasoning in reaching the conclusion of significant harm on the character and appearance of the area indicates that although the proposal seeks to contribute to windfall development, the site would not meet a reasonable definition of a 'suitable site' within an existing settlement for homes. Nonetheless, there would be potential benefits associated with the proposal as it could contribute to meeting housing needs, as well as social and economic benefits associated with its construction and once occupied, for nearby services and facilities. However, as the proposal is for a single dwelling, those benefits are modest.
18. Loss of natural surveillance and fear of crime have also been mentioned by the Council. However, based on the evidence and my observations those concerns are not substantiated. I am satisfied that the proposal would not unacceptably limit public vantage points along the street and each property could be appropriately secured. Concerns have also been raised by nearby residents in terms of the effect on local parking arrangements and the accuracy of a parking survey relative to peak levels of demand. However, based on the evidence and my observations, I am satisfied that the proposed arrangements of frontage parking to serve No 202 and the new spaces at the rear to serve the additional dwelling would accord with Policy 32 of the LP. The identified cycle parking could also be secured by condition. As such I find that the proposal would not adversely affect local parking conditions or highway / pedestrian safety close to the Wymersley Road and Daville Close junction. However, the absence of concern in those respects is a neutral factor.
19. The site is not of a sufficient size to accommodate on-site open space provision or three new trees as part of the proposal and therefore, compliance with

Policies 42 and 45 of the LP could potentially require a contribution to off-site open space and necessitate off-site tree planting. The appeal is not accompanied by a planning obligation which would be required to secure off-site open space or tree planting. Conversely, there is no substantive evidence from the Council to demonstrate that there is a local deficit so as to necessitate off-site open space to serve the development or that specific locations for such open space and off-site tree planting can be identified to meet the tests in paragraph 57 of the Framework. In such circumstances, given that the harm identified with respect to the character and appearance of the area of itself warrants dismissal of the appeal as set out in the subsequent planning balance, it is not necessary for me to pursue those matters any further.

Planning Balance and Conclusion

20. I have found no harm in terms of the living environment for existing and future residents of No 202 Wymersley Road and the proposed dwelling. However, I have found that the proposal would significantly harm the character and appearance of the area and therefore, would conflict with the development plan. The Council have indicated that at the time of the decision it could demonstrate a five-year supply of deliverable housing sites. In that respect, whilst I do not have sufficient evidence to reach a definitive conclusion on such matters, even if there were a shortfall in deliverable housing supply, the adverse impact of the proposal for a single dwelling would significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework as a whole. It follows that the material considerations in this case do not indicate that the application for planning permission should be determined other than in accordance with the development plan, whereby the identified harm in this case and associated conflict are overriding factors.
21. For the reasons given above, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR