



Appeal Decision

Site visit made on 12 October 2021

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 08/11/2021

Appeal Ref: APP/E2001/C/21/3277511

Preston Carp Lakes, Weghill Road, Preston, HU12 8SX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Allan Heslop against an enforcement notice issued by East Riding of Yorkshire Council.
 - The enforcement notice, numbered 21/00042/ENFORC, was issued on 5 May 2021.
 - The breach of planning control as alleged in the notice is without planning permission, erection of a lake viewing room and balcony at first floor level with supporting ground floor structure.
 - The requirements of the notice are remove from the Land the lake viewing room, viewing platform/balcony, glazed handrail system, side wall, external staircase, timber cladding and the supporting ground floor structure shown on Plan DH/002/01/A.
 - The period for compliance with the requirements is 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) and the deemed application for planning permission

2. The main issue is the effect of the development on the character and appearance of the host building and surrounding area.
3. The deemed application for planning permission is for the as built development as described in the enforcement notice i.e. the lake viewing room and balcony at first floor level with supporting ground floor structure.
4. The host building is a two-storey detached dwellinghouse with a single storey garage, constructed from buff-coloured brick and with a terracotta coloured tiled roof. The development has a timber-frame and consists of an enclosed viewing room and terrace area at first floor level which is accessed by open timber stairs and a glazed handrail system. The enclosed ground storage area is accessed underneath the stairs. Most of the development is finished in stained wooden cladding with bi-fold glass doors leading from the viewing room to the terrace and with roof tiles that are similar in appearance to those on the host building.

5. The development appears large and bulky when compared to the host building, and the wood cladding and frame does not match or complement the materials used on the house and garage. The significant amount of contrasting wood used exacerbates the scale, massing and height of the development which appears overly large and incongruous compared to the house and adjoining garage. I accept that the use of alternative materials for extensions, including wood cladding, is not uncommon but each case is a matter of planning judgement based on its specific circumstances and details. In this case, the development, due to its scale, height and massing, and the use of contrasting materials, does not sit comfortably in the site or the wider countryside setting which also causes material harm.
6. Views of the development from outside the site are limited due to the location and extremely high hedges that screen the boundary with Weghill Road. However, the development should still be of an appropriate design which takes into account the host dwelling and the surrounding area.
7. I have taken account of the benefits of the development to the appellant in terms of security and surveillance of the fishponds but these do not outweigh the harm as set out above, particularly in light of the existing first floor windows and balcony on the dwellinghouse which could also be used for surveillance purposes.
8. The development causes material harm to the character and appearance of the host dwelling, site and wider area. This is contrary to the aims of Policies ENV4 and S4 of the East Riding Plan Strategy Document 2016 (which forms part of the local development plan). These policies seek, amongst other things, to secure development with a high quality of design which respects the character and appearance of the area and which is of an appropriate scale to its location. The development is therefore contrary to the development plan and in the absence of any material considerations of sufficient weight to overcome this conflict, I conclude that the appeal and the deemed application for planning permission should be dismissed.

Zoë Frank

INSPECTOR