



Appeal Decision

Site Visit made on 12 October 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/E2001/W/21/3278308

Calvmoor, 59 Common Lane, Welton HU15 1PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Moore against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/00039/OUT, dated 3 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described as 'Erection of 3No. detached dwellinghouses'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. I have taken into account the revised National Planning Policy Framework (the Framework), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version. I have not sought the views of the main parties since the substantive elements of the new Framework, in regard to the main issues of the case, have not changed from the previous iteration.

Main Issues

4. The main issues are a) the principle of the proposed development with specific regard to the settlement strategy and the character and appearance of the area and b) the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

Principle of Development

5. The appeal site is located outside the defined settlement limits. It is therefore, by definition, in the countryside. Policy S4 of the Local Plan restricts development in the countryside to a number of exceptions, including replacement dwellings and the conversion of existing buildings. None of these apply to the appeal proposal which is for the erection of three open market dwellings. Whilst both parties agree that the appeal site is in a location with acceptable access to services, the proposal would nonetheless represent a conflict with Policy S4.

6. The appeal site is a large residential plot, stretching back a noticeable distance from the road. A large dwelling (Calvmoor) is sat to the front, reflective of the prevailing single tier pattern of local development. There is a substantial horticultural complex to the north, comprising glass houses and a sheltered housing scheme to the south. The site is on the outer edges of the built up area of the settlement. As such, its open and undeveloped nature evokes a pleasant transitional character between it and the open fields to the south and east.
7. Whilst the appeal scheme seeks outline planning permission, the proposed number of dwellings and the size and shape of the site are such that any development would likely feature as that of the tandem/backland type. Such development is a rarity in the immediate area. Where it does feature, it tends to have a street frontage in the form of a cul-de-sac arrangement such as Nelson Court and generally relate closely to a main road frontage. In this regard therefore, the appeal scheme would be somewhat out of place. It would be clearly and obviously behind a frontage building and introduce additional tiers of development in the area. The physical buildings may be screened to some extent by the existing dwelling and development to the north and south, but a proposed access would nonetheless allude to their presence. They would also be highly noticeable from neighbouring land uses and buildings. Notwithstanding the effect the scheme would have on the character of the area regardless.
8. In addition, the upper limit of the proposed development along with other elements such as access, gardens and parking, would noticeably urbanise the appeal site. This would erode the positive attachment the appeal site has to the open countryside to the east and south.
9. The dwellings at Nelson Court stretch back from Common Lane, albeit they have a direct attachment to it and are not located behind development fronting it. The sheltered housing scheme to the south does stretch as far back as the appeal site's eastern extremity. That said, it is one single complex that itself also abuts the back edge of Common Lane. I remain unconvinced therefore that they are sufficiently similar to the appeal site such that I would not find harm arising from its development in the manner proposed.
10. The principle of the proposed development with specific regard to the settlement strategy and the character and appearance of the area would not be acceptable. As such it would conflict with Policies S1, S2, S3 and S4 of the Local Plan and the Framework. These policies seek, amongst other things, to provide a settlement strategy that focuses new development in areas where there are services, facilities, homes and jobs which can be served by the most sustainable modes of transport.

Living Conditions

11. Whilst access is a reserved matter, the tapering shape of the appeal site as it lies to the north of Calvmoor would suggest that there are limited opportunities to access the proposed development in an alternative position. With that in mind a road would pass close to much of the dwelling including a number of windows, the front door, its private rear garden and patio. These areas currently lie close to the extensive parking and turning areas at Calvmoor at present. However, the vehicle movements arising from three additional dwellings and the associated noise would be significantly above what could be expected at present, concentrated into a contextually small area.

12. Some noise could be expected from vehicles along Common Lane but Calvmoor is set back slightly from this road. The rear garden is set back further still and is shielded by the dwelling itself. As such, overall noise from vehicles and other type activity is expected to be low at present. The appellant has suggested a fence to separate the access from the dwelling, but I have not been provided with any evidence to suggest this would acceptably reduce the effects I have identified.
13. The proposal would therefore result in harm to the living conditions of the occupiers of neighbouring properties, contrary to Policy ENV1 of the ERLP SD and the Framework which, amongst other things, seek to provide high quality design that preserves living conditions.

Other Matters

14. I have had regard to the appellant's suggestions with regard to limiting or reducing the scale of the proposed development. However, I am required to consider the scheme before me, and such an alteration would not give those who have commented on the proposal the opportunity to express their views on any revisions to the scheme.
15. The appellant has referred to the grant of outline planning permission at the adjacent greenhouse site for housing. However, I have not been provided with any details of this and therefore I cannot be sure that this would represent a parallel with the appeal proposal. In any case, I have assessed the appeal on its own merits.
16. I note the appellant's intentions with regard to renewable energy. However, the benefits arising from the incorporation of such features into the proposed development would not outweigh the harm I have identified above. The appellant has highlighted the lack of objections to the application, however, the lack of objections to a scheme in itself does not mean that it is acceptable in planning terms.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the provisions of the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR