



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: 21 December 2021

Appeal Ref: APP/E2001/W/21/3277520

60 Westfield Rise, Hessle HU13 0NB

- 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 St-Paul against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/03910/PLF, dated 24 November 2020, was refused by notice dated 25 March 2021.
 - The development proposed is described as a 'proposed new dwelling to the rear of 60 Westfield Rise'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 thereon 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

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the existing and future occupiers of the host property and whether acceptable living conditions for future occupiers would be provided; and
 - whether the proposal would provide appropriate levels of off-street parking to meet the needs of the existing dwelling.

Reasons

Character and Appearance

4. Westfield Rise is a suburban cul-de-sac comprising of predominantly semi-detached dwellings arranged in an arc around the circular turning head of the road. This gives the immediate area an enclosed and contained feel. The consistent curved arrangement of buildings at regular intervals around the

turning head provides a coherent and uniform pattern of development to the streetscene. A consequence of this distinctive orientation of dwellings is that plots tend to be wedge-shaped, increasing in width to the rear.

5. An outbuilding would be removed for access to the proposed development. The outbuilding is positioned tightly between a single storey side extension and the boundary with the neighbouring detached dwelling, No 56. Site boundaries are formed by high close boarded fences. Tall trees are growing immediately adjacent to the boundary in the garden of No 56. The garden slopes down from the rear boundary towards the rear of the dwelling.
6. The front elevation of the proposed dwelling would be set a considerable distance back into the garden and would fail to front the turning head. Owing to its siting, it would be significantly divorced and visually at odds from the otherwise consistent circular arrangement of dwellings that contribute positively to the character of the area.
7. Being back land development, street scene views of the appeal scheme would be limited, however one could identify it via its proposed access. It would furthermore be on a slightly higher ground level and thus would be prominent in views gained from the turning head down the side of the dwelling. The proposed dwelling would also be visible from the neighbouring properties. In these views the overwhelming contrast with the distinctive pattern of development would be clear.
8. I accept that the appeal site is in an accessible location in an established residential area. However, neither the support for new housing or development with positive outcomes in the development plan or the Framework is unconditional.
9. I have been referred to a previous approval of a bungalow that has now been constructed. However, I do not have full details of the circumstances that led to this being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal, including in respect of extant permissions, previously existing development and adoption of development plan policy. In any case, I have determined the appeal on its own merits.
10. For the above reasons the proposed development would be harmful to the character and appearance of the area and as such would conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (2016) (the ERLPSD) and the provisions of the Framework, which, amongst other things seek to ensure that development is of a high quality that reinforces local character.

Living Conditions

11. The formation of the long driveway to serve the new dwelling would extend to the side of much of the length of the host property and its reduced garden. This would result in noise and vibration arising from vehicle movements being experienced by occupiers of the host dwelling both within its garden and the dwelling itself. Furthermore, the narrow gap between the single storey side extension and the boundary would mean that vehicles would need to pass very close to the host dwelling. This would concentrate the noise and vibration in this area and increase its potential effects on living conditions. Such a relationship would be atypical in this residential area where parking tends to be to the front of properties allowing for quieter more private areas to the side

- and rear of dwellings. As such, the proposal would lead to a level of disturbance that would likely exceed levels that the occupiers would reasonably expect within this area, adversely affecting living conditions.
12. Whilst I note that there are instances of dwellings with shared driveways, it is not the shared aspect that is my concern. It is the provision of a private driveway serving another property and the resulting noise and disturbance from vehicles passing in such close proximity to that dwelling and garden where previously there was no such relationship. I accept that it is the current owners of the host dwelling that have advanced the proposal, for reasons which I shall turn to later, however I am required to consider the effect on all future occupiers of that property.
 13. The dwelling would be sited tight to the site boundaries on two sides. As such, one of the bedrooms and an office would have windows facing onto a close boarded fence at a reasonably short distance. This is likely to restrict light to these rooms to an extent and the windows would have a reasonably limited outlook.
 14. However, I note that the majority of the habitable area of the dwelling would have good levels of outlook with windows or glazed doors facing onto the proposed amenity space. Furthermore, these windows would face south and east, with the area to the south, in particular, remaining open. This would allow for suitable light levels into the rooms of the proposed dwelling. I am therefore satisfied that the proposal would provide acceptable living conditions for future occupiers. The proposal would therefore comply with Policy ENV1 of the ERLPSD in this regard.
 15. That said, this would not make the harm that would be caused to the living conditions of occupiers of the host property acceptable. This would result in conflict with Policy ENV1 of the ERLPSD and the Framework, which amongst other things, seek to provide high quality design that preserves living conditions.

Parking

16. The driveway to the front of the dwelling is narrow and, as a result of the aforementioned wedge-shaped plot, gets progressively narrower towards the edge of the pavement. Nonetheless, the existing car parking arrangement at the host dwelling allows for two vehicles to be parked side by side on the site frontage with space for a further vehicle to the side of the dwelling.
17. The plans indicate that only one car parking space would be retained to serve the host dwelling. This would be sited adjacent to the boundary with the adjoining property, away from the proposed driveway serving the new dwelling. The appellant has advised that the removal of an existing accessibility ramp to the front of the dwelling would allow for the parking of two cars without blocking the access, however, I have not been provided with any evidence, or plans, to indicate that this is a realistic possibility, given the site's narrowness at this point.
18. To my mind, it is highly likely that a parked car in a second parking space, either alongside the existing space or to the side of the host property, would block the driveway to the proposed dwelling. I am therefore not convinced, on

the basis of the evidence before me, that any more than a single space can be provided.

19. A large number of the surrounding properties have, like the appeal site, being predominantly hardsurfaced to allow for parking multiple cars. Furthermore, at the site visit, I witnessed a reasonably high level of on-street parking along Westfield Rise, beyond the turning head.
20. The host dwelling is a reasonably sized family dwelling and although I have not been provided with details of the number of bedrooms it is reasonable to assume that it has at least two. The Sustainable Transport Supplementary Planning Document (2016) (the SPD) states that two to three bedroom properties in this location should be provided with at least two parking spaces. The altered parking arrangement serving the host dwelling would therefore conflict with the SPD in this regard.
21. Taking the above into account, I conclude that the proposal would not provide an appropriate level of off-street parking for the host dwelling and would therefore conflict with Policy EC4 of the ERLPSD and the SPD which seek to ensure developments provide suitable levels of off-street parking that reflects the level of public transport availability and the expected car usage at the site.

Personal Circumstances

22. On the evidence that is before me, I have no doubt that the proposal would be of benefit to both the appellants and their relatives enabling them to care, whilst allowing a degree of independence within familiar surroundings. These are personal circumstances to which I afford moderate weight in favour of the appeal. In weighing the personal circumstances in the balance, this must be considered against the identified harm that would be caused to the character and appearance of the area, the living conditions of the occupiers of the host dwelling, and by the levels of off-street parking.
23. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
24. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the character and appearance of the area, living conditions and acceptable parking levels are preserved. Furthermore, the protection of the public interest cannot be achieved by means that are less obstructive of the human rights of the appellants and their relative. Therefore, whilst I acknowledge the personal circumstances presented, I conclude that these are not matters which outweigh the overall harm that would be caused by the proposal. Furthermore, whilst I note the appellant's concerns with regard to alternative options, I have not been provided with compelling evidence that realising the benefits considered above is reliant on the precise composition of the proposal before me.

Conclusion

25. 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