



Appeal Decision

Site visit made on 14 December 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/V2004/W/21/3281562

4 The Fairways, Kingston upon Hull HU8 9HN

- 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 Paul Dudill against the decision of Hull City Council.
 - The application Ref 21/00781/FULL, dated 24 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is a new single storey dwelling to the north of No. 4 The Fairways, involving the demolition of part of the flat roof garage extension attached to the existing dwelling, number 4.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the National Planning Policy Framework 2021, (the Framework) into account in my decision. The substantive elements of the new Framework have not changed from the previous iteration so far as they relate to the main issue of the case.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with regard to outdoor amenity space and levels of daylight and sunlight.

Reasons

4. The appeal site is the rear garden of 4 The Fairways, a single storey detached dwelling. The proposed development would comprise the demolition of part of the garage attached to this property and the construction of a detached dwelling with one parking space.
5. The Hull Residential Design Guide (SPD7) provides guidance on the design of new housing including the requirement for proposals to meet minimum spatial standards with regard to external amenity space. SPD7 advises that for detached and semi-detached dwellings, suitable for family housing, the proportion of plot area to building footprint should generally be greater than 60:40 to allow for decent sized gardens for children to play. It goes on to advise that for terraced houses and townhouses the ratio is likely to be closer or with a higher proportion of built footprint and identifies that Building for Life 12 recommends an average ratio of 50:50.

6. Based on the dwelling size and the area of the total outdoor amenity area that would be provided, the proposed development would appear to meet the guidance in SPD7 in terms of spatial requirements. However, part of the outdoor amenity space would comprise a relatively narrow area between the proposed dwelling and the wooded area immediately to the north within the grounds of Sutton Golf Club. This area would therefore be in shade for much of the day. This would also be the case with the other areas of outdoor amenity space, which would be subject to shading from the existing dwelling at no.4, from the neighbouring dwelling to the east including the boundary fencing and the trees along the northern boundary.
7. Consequently, whilst the total size of the outdoor amenity area may meet the requirements of the advice in SPD7, I am not persuaded that the proposal would provide future occupiers with an adequate or satisfactory form of outdoor amenity space.
8. SPD7 also provides guidance on daylight and sunlight in developments. It advises that getting plenty of daylight into homes may have benefits to people's health and well-being, and it reduces the need for artificial lighting. Guidance includes maximising the number of windows receiving direct sunlight and considering large feature windows especially in living spaces.
9. I acknowledge the attention that has been given to the design of the proposed dwelling to take account of the size and orientation of the site and its proximity to no. 4. This has resulted in a design that would have the living and dining windows located on the north and east elevations, comprising bi folding doors to the east and a vertical and sloping curtain walling to the north elevation. The southern elevation would only have roof lights.
10. North facing windows generally receive more limited natural light from daylight and sunlight. Due to the small plot size, the proposed dwelling would be located close to the trees along the northern boundary. This would further limit the extent of natural light that would penetrate the windows on the northern elevation. The windows on the east elevation would also be relatively enclosed due to the proximity to the boundary fencing, trees to the north and the dwelling at no.4. Therefore, whilst the feature windows proposed would allow some natural light penetration, based on the evidence, I am not convinced that the proposed development would provide adequate levels for occupiers.
11. The appellant has clearly sought to design a dwelling that takes account of the constraints of the site. However, the plot size is small, and it is in close proximity to the dwelling at no. 4 and the trees to the north. The combination of these factors mean that the proposed development would not provide a satisfactory quality of outdoor amenity space or sufficient natural light for future occupiers. Consequently, it would not provide acceptable living conditions for future occupiers with regard to outdoor amenity space given the likely low level of natural light that would be received by this space, and levels of natural light that would be received by the property.
12. As such, it would conflict with Policy 14 of the Hull Local Plan 2016 to 2032 adopted 2017 (the Local Plan), which requires development to demonstrate how its design supports the delivery of a high quality environment with regard to a number of factors including use and surrounding uses and layout. It would also conflict with the guidance in SPD7 regarding the provision of daylight and sunlight as well as the design objectives of the Framework.

13. The Council has referred to a conflict with Policy 21 of the Local Plan in its reason for refusal on its decision notice. This policy sets out the expectations regarding Building for Life principles, density and accessible and adaptable dwellings. The Council appears to be satisfied that the proposed development accords with Policy 21 in terms of accessible housing standards. It is not clear from the evidence before me as to why the Council considers there to be a conflict with the remainder of these policy expectations. Therefore, based on the evidence presented, I am not in a position to conclude whether the proposed development would represent a conflict with Policy 21 of the Local Plan. However, this does not alter my findings on its acceptability with regard to living conditions for future occupiers.

Conclusion

14. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR