



Appeal Decision

Site visit made on 5 January 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/E2001/W/21/3283413

221 Woodhall Way, Molescroft HU17 7JX

- 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 Wayne Low of AGML (UK) Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/02304/PLF, dated 15 June 2021, was refused by notice dated 3 September 2021.
 - The development proposed is described in the application form as: 'development of a detached house'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the site visit I saw that works were being carried out at the appeal site. Notwithstanding this, I have determined the appeal on the basis of the plans before me.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the effect of the proposed development on the living conditions of the occupiers of No 223 Woodhall Way.

Reasons

Character and Appearance

4. The appeal site is a narrow parcel of land to the side of No 221 Woodhall Way, a semi detached dwelling. The appeal site was formerly the side garden of this property and bounds a narrow footpath between it and the neighbouring dwelling No 223.
5. This side of Woodhall Way is characterised by semi detached dwellings set back from the road with regular gaps between them, giving the area a spacious character. Dwellings along this part of the road tend to be two storey with dual pitched roofs and reasonably consistent roof heights. Front gables are rare, although the adjacent property No 223 has a mansard style hipped roof. Nonetheless this dwelling is not prominent within the streetscene due to its considerable setback compared to the adjacent dwellings. The spacious feel, regular form of dwellings and their consistent arrangement gives a distinct and coherent pattern of development to the streetscene.

6. The proposed dwelling would be easily visible from Woodhall Way and the adjacent footpath, although it would be screened in longer views from the east. Despite being relatively narrow, it would occupy most of the width of the appeal site removing the gap between No 221 and No 223 which would adversely affect the spacious character of the area and interrupt the regular arrangement of dwellings.
7. The front elevation would comprise of a gable, which would be at odds with the prevailing character, whilst the proposed dwelling would be noticeably lower in height and narrower than the majority of dwellings in the area. This would contribute to an incongruous appearance and, due to its proximity to No 221, would give the impression of the dwelling being 'squeezed in' to the site. The proposal would therefore represent a discordant and ad hoc form of development that would be at odds with the prevailing character of this part of Woodhall Way.
8. I have had regard to the alterations that have taken place to the houses that have been extended, however I note that in the main these are lower and subordinate additions to properties that retain an element of spaciousness. I have been referred to an example of a two storey extension that fills much of the space to the side of the dwelling, however I am satisfied that this is an exception to the otherwise spacious character.
9. Whilst No 223 has a lower roof and orientation which could be comparable to the appeal proposal, it is nonetheless set back considerably further than the appeal proposal with space to each side. It is also not prominent within the streetscene. Given that it also does not have a gable frontage, I am satisfied that No 223 does not represent a parallel with the appeal proposal. This is notwithstanding that I have found that the proposal would not be reflective of the prevailing character of the area.
10. I have also had regard to the new housing development opposite the appeal site and the flats further along the road. However, given their scale, orientation and proximity to the road, I do not find that these are comparable to the appeal proposal.
11. For the above reasons, I conclude that the proposed dwelling would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (2016) (ERLPSD) which, amongst other things, supports high quality design that contributes to safeguarding and respecting the character and appearance of the surrounding area. There would also be conflict with the provisions of Section 12 of the National Planning Policy Framework (the Framework) which is supportive of good design and seeks to ensure developments are visually attractive and sympathetic to local character.

Living Conditions

12. A reasonably low fence forms the boundary of the front garden of No 223 with the adjacent public footpath that separates the appeal site from that property. As is characteristic in the area, there is a reasonably sized gap between the side elevation of no 221 and the intervening public footpath. As such, the occupiers of No 223 currently enjoy a reasonably open outlook from their front garden and the ground floor bay window which looks onto this area from the living room.

13. Despite the intervening footpath, the side elevation of the proposed dwelling would be constructed close to the boundary of No 223. Given the extent of the setback of No 223, the majority of the proposal would be set forward of this dwelling. This would lead to the construction of a new two storey wall close to the garden boundary of No 223 and extending for a substantial length (approximately 10 metres¹) along it.
14. Owing to this substantial length along with its height and proximity to the boundary, the proposed dwelling would be highly dominant and imposing in views both from the front garden of No 223 and from its living room, contributing to an undue sense of enclosure and significantly reducing outlook. The living conditions of the occupants of No 223 would be materially diminished accordingly.
15. I acknowledge that the appellant has tried to address concerns over living conditions by lowering the eaves height of the proposed dwelling. However, the proposal would nonetheless represent a substantial structure to be constructed in close proximity to the boundary for such a length. The dominance of the structure would not be mitigated by the slightly lower level of the appeal site and the low-level screening provided by the boundary treatments.
16. I accept that, given its orientation, the proposed dwelling would not be likely to result in a significant loss of sunlight to the front garden or dwelling of No 223. Nonetheless, for the above reasons I conclude that the proposal would result in an adverse effect to the living conditions of the occupants of No 223. This would be contrary to Policy ENV1 of the ERLPSD which, amongst other things, supports high quality design that preserves living conditions. There would also be conflict with the provisions of paragraph 130 (f) of the Framework which states that planning decisions should ensure a high standard of amenity for existing and future users.

Other Matters

17. I note that the Framework supports the re-use of underutilised land, however it also states that development that is not good design should be refused. I accept that the appeal site is in an accessible location in an established residential area and that there is a demand for smaller dwellings. However, neither the support for new housing or development with positive outcomes in the development plan or the Framework is unconditional.

Conclusion

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

Paul Martinson

INSPECTOR

¹ as referenced in the Council's Delegated Report