The Planning Inspectorate

Appeal Decision

Site visit made on 11 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01/04/2022

Appeal Ref: APP/E2001/D/21/3281451
75 Castle Drive, South Cave HU15 2ES

- 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 Andy Sandham against the decision of East Riding of Yorkshire Council.
- The application Ref 21/00014/PLF, dated 28 December 2020, was refused by notice dated 12 August 2021.
- The development proposed is described on the application form as 'Enlarge existing garage footprint and add first floor room for workshop and storage above garage. First floor accessible from stairs within garage. First floor room or garage not accessible from main house'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the South Cave Conservation Area (CA) which is adjacent to the appeal site.

3. The appellant has raised concerns regarding the Council's handling of the case, and in particular regarding perceived advice received from officers and the time taken to determine the original application. However, this is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

4. The main issues are:

   - The effect of the proposed development on the character and appearance of the host property, the street scene, and the wider area; and

   - The effect of the proposed development on the living conditions of the neighbouring occupiers of no. 61 Castle Drive having regard to matters of outlook.

Reasons

Character and Appearance

5. The appeal property is a two-storey detached dwelling situated at the end of a residential cul-de-sac. The property has a single storey front extension that it linked to a single storey carport and double garage giving it an overall 'L' shape. Its location and orientation also mean that the front elevation of the detached garage element as well as the side elevation of the front extension face the street more so than the front elevation of the original dwelling does.

6. All the other properties at the end of the cul-de-sac have similar single storey double garages some which are detached and some that are attached. One of the attached double garages has dormer windows in its roof slope suggesting that its upper floor has been converted.

7. Based on the submitted plans the proposal would create a larger double garage with storage space above it. Two dormer windows would also be installed within the front roof slope of this larger garage/storage building. The roof of the existing front/link extension to the host property would also be extended upwards.

8. The roof ridge height of the proposed new garage/storage building would be almost as high as that of the host property. Its width would also be almost half that of the host property with its length being almost as wide as the original dwelling. Consequently, given its scale, massing, height, length, and location it would not appear to be visually subservient to the host property. Furthermore, for similar reasons the proposal's design would also be markedly visually different from anything else on this part of Castle Drive. Consequently, I find that the proposal would represent a discordant addition to the host property and street scene thereby having a significant adverse visual impact.

9. As set out above, I note that the double garage of a nearby property has been converted and that it too has dormer windows on its front roof slope. However, from what I saw on my visit this garage was attached to its host property and the conversion did not enlarge its footprint or increase its overall height. As a result, I consider that it is not directly comparable to the proposal.

10. I also note the other examples of developments that have been permitted in the area that the appellant argues are either: like the proposal; or that they have features such as dormer windows that are larger than those on the proposal. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. Furthermore, they all appear to relate to side extensions or loft conversions meaning that they are not directly comparable to the appeal scheme before me which I have determined on its own merits.

11. I also acknowledge that the proposal's external material finish would match that of the host property and its existing extension. However, this would not be sufficient to mitigate the proposal's adverse visual impact due to its scale, orientation and location.

12. I therefore conclude that the proposed development would materially harm the character and appearance of the host property, the street scene, and the wider area. Accordingly, it would fail to meet the relevant requirements of policy ENV1 of the adopted East Riding Local Plan Strategy Document (ERLP). For

similar reasons it would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework).

Living Conditions

13. The Council has raised a concern that given its height and proximity to the shared boundary that the proposal would create an undue sense of enclosure and dominance for the occupiers of no. 61 Castle Drive. However, given the distance between the rear elevation of no. 61 and the shared boundary with no. 75 and the size of no. 61's rear garden I consider it unlikely that the proposal would be large enough to create a sense of enclosure for the occupiers of the habitable rooms of no. 61 that are served by windows on its rear elevation or indeed to be so dominant as to unacceptably reduce their outlook from these windows. For similar reasons, I also consider it unlikely that the proposal would unacceptably harm the outlook of users of no. 61's rear garden space.

14. I therefore conclude that the proposed development would not materially harm the living conditions of the neighbouring occupiers of no. 61 Castle Drive having regard to matters of outlook. As a result, it would not conflict with the relevant requirements of policy ENV1 of the ERLP in this regard.

Other Matters

15. The appeal site is located adjacent to the CA and to trees that are subject to a tree preservation order. However, as the Council have not raised any concerns and given that I am dismissing the appeal on other substantive grounds, I have not considered these matters further.

Conclusion

16. I note that the development would not harm the living conditions of neighbouring occupiers. However, the proposed development would be contrary to the adopted development plan as a whole. Furthermore, there are no material considerations indicating a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR