



Appeal Decision

Site visit made on 10 May 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/E2001/W/21/3289871

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 21/02687/OUT, dated 14 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is erection of 1 No. detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis, and I have considered any reserved details as being illustrative only.

Main Issues

3. The main issues are:
 - whether the appeal site would be an appropriate location for the proposal having regard to national and local planning policies for the distribution of development,
 - the effect of the development on the character and appearance of the area, and
 - the effect of the development on the living conditions of the occupiers of No 57 and No 59 Common Lane with particular regard to noise and disturbance.

Reasons

Location

4. The appeal site is located outside the defined development limits of Welton and Elloughton-cum-Brough and in the open countryside for planning policy purposes. Policy S4 of the East Riding Local Plan Strategy Document 2012-2029 (ERLP) supports certain forms of development in the countryside where proposals respect the intrinsic character of their surroundings.
5. Policy S4 is consistent with the National Planning Policy Framework (the Framework) where in rural areas, planning policies and decisions should be

responsive to local circumstances, support housing developments that reflect local needs and identify opportunities for villages to grow and thrive, especially where this will support local services.

6. Whilst both parties agree that the appeal site is in a location which is accessible to services and facilities, and the development would not lead to loss of agricultural land, development of the appeal site cannot meet the specific provisions of Policy S4C as none of the forms of development supported by the policy in the countryside are relevant to the appeal proposal, which is for the erection of an open market dwelling. There is no evidence before me that the Council's policy approach is failing to meet the housing needs for the area.
7. Therefore, the appeal site would not be an appropriate location for the proposal having regard to national and local planning policies for the distribution of development. The proposal would conflict with Policies S1, S2, S3 and S4 of the ERLP which in summary set out the spatial strategy for the area. It would also conflict with the Framework.

Character and appearance

8. The appeal site is part of the large rear garden area of No 59 Common Lane, a detached two storey dwelling on the outer edge of Common Lane. Dwellings on Common Lane's eastern side near to the appeal site are mostly on plots with a frontage to Common Lane. Due to the open undeveloped land to the rear of the frontage plots, the eastern side of Common Lane has an attractive rural quality.
9. The proposed dwelling would be set at the back of the existing garden. The illustrative plan indicates a dwelling accessed via a driveway running along the northern boundary of the plot to a detached dwelling. The likely access arrangements and the siting of the dwelling would appear as a back land development with little relationship to the Common Lane frontage. The siting of the dwelling would be at odds with the general arrangement of dwellings on the east side of Common Lane where dwellings and development generally front the lane or have a relationship to it. Consequently, the proposal would be incongruous in its local context and would appear harmfully out of place.
10. In addition, the proposed dwelling would introduce significant built development adjacent to open land which forms the rural edge of the settlement. Although the development would not have significant visible presence from Common Lane, it would be visible from the adjacent properties and from the footpath to the south. The siting of the dwelling would erode the positive contribution the appeal site makes to the open countryside and rural setting of Common Lane and would be detrimental to the character and appearance of the area.
11. I have had regard to the other sites brought to my attention by the appellant and considered their contribution to the overall character of Common Lane. The sheltered housing scheme at Beechwood extends back into its plot as far as the appeal site, but the development appears as a single complex and consequently has a clear relationship with the lane frontage. The horticultural development to the north side is a rural use and different in its visual effect to its residential neighbours. Its location does not influence the pattern of residential development along Common Lane.

12. The development within Nelson Court opposite the appeal site is located on the western side of Common Lane which is more developed. The design of the dwellings in Nelson Court does not influence the character of the east side of Common Lane. Therefore, these other developments do not alter my concerns about the appeal scheme.
13. Overall, the proposal would be detrimental to the character and appearance of the area in conflict with Policy ENV1 and Policy S4 of the ERLP which requires development to respect the intrinsic character of their surroundings. It would also conflict with the Framework where it seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

14. Access is not to be considered at this outline stage, but the red line boundary indicates that the vehicle access to the appeal site would be to the north side of No 59 Common Lane. Windows in the side elevation, an outside seating area and the rear garden of No 57 Common Lane are adjacent to the front parking and turning area of No 59. The proposed access arrangements would utilise part of the existing parking and turning area next to the joint boundary. Although the vehicles to one additional dwelling would pass close to the rear and side of No 57, given the current turning and parking arrangements for No 59 the new access would be little different in its effect. I am satisfied that the proposed access arrangements would not be detrimental to the living conditions of No 57.
15. Even so, as my colleague acknowledged on the previous appeal¹ the area to the front of No 59 where the new access would be located is a contextually small space. The vehicle movements to the proposed dwelling at the rear would pass close to the front windows of No 59. Considering the shape of the space and the restricted distance between the projecting front window that faces the drive, and due to the proximity of the access to the front door and garage of No 59 the comings and goings to the proposed dwelling would be close to the living area of No 59, would be intrusive and would be detrimental to the occupier's living conditions.
16. In terms of the proximity of the proposed access to the rear garden of No 59, No 59 has a large garden and I am satisfied that an appropriately detailed boundary treatment could be sought by condition which would provide sufficient separation to protect the living conditions of the existing property from the vehicle movements associated with a single dwelling.
17. Nevertheless, whilst I am satisfied that the proposal would not detract from the living conditions of the occupiers of No 57 there would be harm to the living conditions of the occupiers of No 59 with regard to noise and disturbance and in this respect the proposal would conflict with Policy ENV1 of the ERLP which seeks to ensure that development has regard to the amenity of existing properties. It would also conflict with the Framework where it seeks to achieve development that is designed to create places with a high standard of amenity for existing and future users.

¹ Appeal ref APP/E2001/W/21/3278308

Other Matters

18. The appellant has suggested that conditions could secure a dwelling of innovative design using sustainable products and resources. However, there is nothing before me to indicate how such measures may be incorporated into the design of the dwelling and how the appeal site is of particular benefit in this respect. With little explanation on these matters, I can only attach very limited weight to the potential of the development to minimise energy consumption and provide innovative design technology.
19. Whilst there has been limited objection to the appeal proposal and all mains services are provided to the appeal site, these matters do not change my conclusions on the matters before me.

Conclusion

20. Overall, I conclude that the proposal would conflict with the development plan and the Framework and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR