



Appeal Decision

Site visit made on 2 September 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/E2001/W/22/3293784

4 Riplingham Road, Skidby HU16 5TR

- 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 Coombes against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/03033/PLF, dated 10 August 2021, was refused by notice dated 7 December 2021.
 - The development proposed is erection of detached dormer bungalow in existing garden
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 2 Riplingham Road and 10 Trinity Garth with regard to outlook and sunlight, and whether or not adequate living conditions would be created for future occupiers; and
 - highway safety.

Reasons

Character and appearance

3. The appeal site comprises part of the garden to 4 Riplingham Road. It has a boundary with Little Weighton Road and is sited in between 2 Riplingham Road and 10 Trinity Garth in Skidbury a busy small, village. The village has a variety of property styles, but there is a regular pattern and spacing of buildings and back-to-back gardens in this area. The back-to-back gardens, and siting of dwellings provide openness and a consistent character, which the appeal site contributes positively towards.
4. The proposal would introduce built form almost filling the width of the site, appearing cramped in its plot. This would be exacerbated by the shallow gardens and proximity to the dwellings at No.10 and No.2. Furthermore, it would erode the pleasant spaciousness afforded by back-to-back gardens. Due to the prominent position of the appeal site, the proposal would visually dominate views along Little Weighton Road, exacerbated by the incline. The proposal would, therefore, appear dominant and incongruous and detract visually from the pattern of development.

5. Notwithstanding there is a variety of house types and forms, the adjacent properties have simple roof forms. Although the proposed dwelling would be relatively low, consisting of a dormer bungalow, it has a bulkier and uncharacteristic roof. Whilst there are other dwellings with dormer windows in the vicinity of the site, several of the dormers have come to dominate the dwellings and do not all set a positive design precedent. As the site is elevated above Little Weighton Road, the appearance of the dwelling could not be mitigated by landscaping.
6. Consequently, the proposal would harm the character and appearance of the area. The proposal would be contrary to Policy ENV1 of the East Riding Local Plan Strategy Document (ERLP-SD) which expects all development to achieve a high quality of design and contribute to a sense of place. The proposal would also be contrary to the guidance with paragraph 130 of the National Planning Policy Framework (the Framework) insofar as it seeks to reinforce the requirement for development to be sympathetic to local character.

Living Conditions

7. As the site is on an incline, No.10 is on higher land, and No.2 is lower. Both neighbouring dwellings have windows to their rear, and relatively shallow back gardens. Intervisibility between the dwellings and gardens are constrained at ground level by boundary fencing and vegetation, however, No.2 has first floor windows which overlook the site.
8. Although the proposed roof is partially hipped and the appeal site levels are lower than No.10, the proposed dwelling would still be higher than the proposed 2-metre-high boundary treatment. Due to the additional height, depth, and mass, occupiers of No.10 would look immediately out and up to a predominantly blank brick elevation, and the bulky dormer windows. Furthermore, due to the orientation, it would likely affect the level of mid-day sunlight entering the garden and would be an oppressive form of development.
9. The dwelling would be sited at a higher level than No.2 which has a very shallow rear garden. The outlook from the windows of No.2 would similarly face the mass of brick and dormer windows close to the boundary. Due to the higher land level and proximity to No.2, it would similarly create an oppressive form of development in terms of outlook from windows and within their garden. Consequently, there would be a harmful effect on outlook to the detriment of the living conditions of the occupiers of both No.10 and No.2.
10. The appellant has suggested that these issues could be resolved by setting the dwelling down within the appeal site. However, it is unclear to what extent the site levels would be changed. Ultimately, such changes may well significantly alter the proposed development, and as such I must assess the scheme strictly on the basis of the drawings which accompany the appeal.
11. I recognise that there is commonly a degree of mutual overlooking between garden spaces within urban environments, and that this is especially the case when seeking to build at a higher density. Nonetheless, the first-floor windows of No. 2 would look directly out onto the garden area of the proposed dwelling from a very short distance. Although future occupiers would be afforded a small private area by virtue of the utility room, the distance from No.2 to the proposed garden would be so close that it would not allow for a reasonable

level of privacy for future occupiers. Given the angle of overlooking that would occur, this is unlikely to be resolved through screen planting.

12. I conclude that the proposal would harm the living conditions of the occupiers of 2 Riplingham Road and 10 Trinity Garth having regard to outlook and sunlight. The proposal would also harm the living conditions of future occupiers by not affording privacy. The proposal would be contrary to Policy ENV1 of the ERLP-SD which seeks to achieve a high quality of design by, amongst other things, ensuring that proposals have regard to the amenity of existing and proposed occupiers. The proposal would also be contrary to the guidance within Paragraph 130 of the Framework which requires that developments create places with a high standard of amenity for existing and future users.

Highway safety

13. The current access into the site is of a steep gradient and constructed from tarmac. The verge either side is steep and there are hedgerows which run along Little Weighton Road in both directions. Some of these hedgerows are not shown within the appellant's ownership, and it is unclear therefore whether adequate visibility splays could be achieved.
14. Given the extremely limited manoeuvring space that would be provided forward of the proposed dwelling, vehicles would invariably enter or leave the site in reverse gear. Given the gradient and existing hedgerows, vehicles reversing on to the highway would not have adequate levels of visibility to do so, creating unacceptable potential for collisions within the highway.
15. I note that the existing access to the site was granted permission by the Council. However, the access related to a garage within the site and was not intended to serve a new dwelling that would be bereft of adequate onsite turning space. This matter has therefore carried very little influence in my assessment.
16. I therefore conclude that the proposal would have an unacceptable effect on highway safety. It would conflict with Policy EC4 and Policy ENV1 of the ERLP-SD and paragraph 110 of the Framework which seek to promote safe access, movement, and use.

Other Matters

17. The appellant states that the Council failed to consider the levels survey when considering the impact on adjacent properties. Whilst the drawings of the proposed front and rear elevations show levels across the site, the Council has advised no such specific site levels survey was provided with the application and none has been provided with the appeal.
18. The scheme would contribute towards housing supply. However, given the scale of the scheme, the benefits from the provision of a single dwelling in a sustainable location, including any economic and social benefits from the construction and occupation of the dwelling, would be small. Matters such as sustainable construction methods, the proposed standard of accommodation and the commensurate garden size are neutral factors.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
20. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR