



Appeal Decision

Site visit made on 29 November 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/V2004/W/22/3299936

62 Pearson Park, Kingston Upon Hull HU5 2TQ

- 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 T Brownlee against the decision of Hull City Council.
 - The application Ref 22/00279/FULL, dated 3 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area, including the Avenues and Pearson Park Conservation Area; and
 - the nearby Green Network.

Reasons

Character and Appearance

3. The appeal site is part of the garden of 62 Pearson Park, an end of terrace three storey property within a mainly residential area. The site is in the Avenues and Pearson Park Conservation Area (the CA). Pearson Park, a grade II listed park and garden, is a Victorian park with a road around its perimeter on which there are a number of large Victorian houses on substantial plots, interspersed with some newer properties of varying ages.
4. From the evidence before me and my site visit observations, the significance of the CA is derived, in part, from the architectural and historic interest associated with the development of the area including the spatial arrangement of the buildings with each other and the surrounding spaces, and the evidence it provides of the architectural style and building techniques of the time.
5. The site is adjacent to an open grassed strip of land that lies between the rear gardens of the properties on the northern part of Pearson Park and Queens Road. The grassed area and the large trees within it provide an attractive open and verdant frontage to the road and contribute positively to the character and appearance of the CA. The Victorian terrace which the proposed dwelling would form part of comprises four substantial properties. Due to its age, design and

materials, the terrace makes a positive contribution to the significance of the CA.

6. The properties within the terrace are comparable in size and have a broadly consistent building line along their principal frontage. They also have coherent ridge and eaves heights and share very similar fenestration arrangements including ground and first floor bay windows and a garret storey. These features give a strong degree of uniformity and balance to the terrace and a pleasing visual rhythm to the built form.
7. I note the appellant's argument that the design of the proposed dwelling has sought to ensure that it would not compete with the property at no. 62. I also appreciate that the proposed dwelling would reflect, to an extent, a number of the terrace's features.
8. However, it would do so across a more limited frontage width with a lower eaves and ridgeline. Consequently, the windows would appear narrower than those of the existing properties, they would be at a lower height and there would be a bay window at ground floor only. The front door would sit closer to this bay window. As a result, the proposed dwelling would have a somewhat cramped appearance when seen in the context of the other more substantial properties on the terrace. Moreover, while the proposal has sought to replicate accommodation in the roof space, this would be achieved through a pitched roof dormer which, although fairly modest in size, would nevertheless be an uncharacteristic feature of the terrace.
9. The proposed dwelling would therefore significantly detract from the overarching uniformity of the terrace and disrupt its visual rhythm. It would appear incongruous, which would be significantly harmful to the character and appearance of the terrace and wider street scene. The use of matching materials, plinth bricks, artstone sills and sliding sash windows would not adequately mitigate this harm.
10. The location of the dwelling would extend the built form beyond the general building line in the area. Although the nature of the views would not change significantly, the sense of openness experienced from Queens Road would nevertheless be diminished by the introduction of a building in such close proximity to the open area that runs alongside it.
11. The proposed dwelling would be more noticeable due to the loss of a number of trees along the site boundary. The appellant's Arboricultural Report¹ describes the sycamore trees that would need to be removed (T5, T6, G11) as low quality and value and the ash (T7) as moderate quality and value. Nonetheless, they form an important part of the amenity value of the group of trees when viewed along Queens Road and from the surrounding area.
12. Replacement planting is proposed, and the species could be secured by a condition. However, this would not adequately mitigate the siting of the built form and the loss of the large trees, which would significantly diminish the positive contribution that the group of trees and open strip of land as a whole make to the attractive, verdant character and appearance of the area and the CA, including through reducing the linear extent of the visible tree canopy.

¹ Arboricultural Report, Land Adjacent to 62 Pearson Park, Kingston upon Hull, Mark S Feather, February 2022

13. For the reasons given, I conclude that the proposal would significantly harm the character and appearance of the area, would fail to preserve or enhance the character or appearance of the CA and would cause harm to its significance. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial. Even so, the National Planning Policy Framework (the Framework) directs me to give 'great weight' to the conservation of such assets.
14. In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. The proposal would contribute (numerically) to housing supply within a reasonable walking distance of a range of services and facilities, consistent with the Government's objective to significantly boost the supply of homes. This may be considered a positive public benefit, however the weight that I can ascribe it in terms of one dwelling is inevitably limited. While noting the appellant's contention that the site has been used for fly tipping, there was no indication of this during my site visit, which I appreciate is just a snapshot in time, nor have I been directed to any reports or complaints to the relevant Council departments. These matters do not represent 'clear and convincing justification' for harm to or loss of significance of the designated heritage asset, as required by the Framework.
15. In the absence of public benefits that outweigh the harm that would be caused to the significance of the CA, the proposal would conflict with Policy 16 of the 2017 adopted Hull Local Plan 2016 to 2032 (the Local Plan). It would also conflict with policies 14 and 15 of the Local Plan which seek to ensure that development supports the delivery of a high quality environment with regard to the relationship with the surrounding built form and that local distinctiveness is promoted, amongst other matters.
16. The Council's reasons for refusal one and two on its decision notice additionally refer to Policy 21 of the Local Plan. This policy sets out the expectations regarding Building for Life principles, density and accessible and adaptable dwellings. The basis for a conflict with the criteria in this policy is not clearly explained within the evidence. Based on the evidence that is presented, I am not in a position to conclude whether the proposal would represent a conflict with Policy 21 of the Local Plan.

The Green Network

17. The site is adjacent to a Green Network, as defined in Local Plan Policy 43. There is no evidence before me, in terms of an ecological appraisal or similar assessment, to demonstrate what biodiversity interests are present at the site. Nevertheless, there will clearly be a biodiversity value in such an open area of contiguous woodland with an understorey of woodland ground flora, including a species identified by the Council as a Hull Biodiversity Action Plan species.
18. As noted above, the positioning of the proposed dwelling and the loss of a number of large trees would diminish the open and verdant character and appearance of the strip of land alongside Queens Road which forms part of the Green Network. The proposal would therefore erode its value from a visual perspective. In addition, the loss of the trees and woodland ground flora would harm the functioning and connectivity of the woodland strip and so would diminish the biodiversity value of the Green Network.

19. The appellant's landscaping details show that the number of trees required by part 1 of Policy 45 would be provided. Although replacement planting could be secured by condition, including the species, this would take a long period of time to provide the same visual and ecological benefits as the species that would be removed.
20. I therefore conclude that the proposal would not protect the functionality and connectivity of the Green Network and would adversely affect its continuity and value, contrary to Policy 43 of the Local Plan. It would also conflict with Local Plan Policy 44 which seeks to promote biodiversity improvements and the relevant requirements of Policy 45 which, amongst other matters, restricts the granting of planning permission for the loss of trees of significant amenity, biodiversity or historic value unless there is an immediate hazard to public safety, which has not been demonstrated in this case.

Other Matters

21. I note the appellant's comments regarding the Council's handling of the case. However, in determining this appeal, I am only able to have regard to its planning merits.

Conclusion

22. The proposal would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR