



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/E2001/W/22/3299108

5 Humber View, Swanland HU14 3ND

- 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 Dave Skinner against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/04278/PLF, dated 15 November 2021, was refused by notice dated 4 April 2022.
 - The development proposed is demolition of existing single dwelling house to be replaced with 2 dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a corner plot that is occupied by a bungalow set within a large garden mainly laid to grass, with open frontages to the road along two of its boundaries. Humber View is characterised by large, detached dwellings on generous plots. A network of boundary hedges and trees and garden vegetation intersperse the built form to give the area a verdant character and appearance. Notwithstanding the presence of boundary planting, there is a distinct sense of spaciousness when in Humber View, created by the large plots and corresponding openness between the dwellings, the generally undeveloped plot frontages and the set back locations of the majority of the dwellings.
4. The two dwellings that would replace the bungalow would be substantial properties each with a detached garage and access. The size of the dwellings would not be out of keeping with the prevalent scale of development on Humber View. Their appearance and external materials would also be in general keeping with other nearby properties.
5. However, the plots that would be created, while still covering a reasonable sized area, would be of a lesser overall size than is typical in the vicinity of the site. Built form would occupy a fairly large proportion of the plots. As a result, the dwellings would have an unusually tight relationship with each other and to their boundaries, in particular the dwelling on plot 1 which would appear as sitting close to its northern boundary. While the appellant's evidence shows elements of built form on other plots on Humber View located a similar distance

from their boundary, these mainly relate to a limited number of outbuildings or extensions.

6. These factors would together cause the dwellings to appear somewhat confined within the site when compared to the majority of other properties on Humber View. As a consequence, the proposal would be at odds with the prevailing pattern in the vicinity and would materially erode the spacious quality which positively contributes to the character and appearance of the area.
7. I appreciate that the properties on Humber View may have changed over time. The majority are now two storeys set behind boundary planting rather than a single storey design with open road frontages such as at the site. However, based on the submitted evidence and my site visit observations, the changes that have taken place have generally been through the alteration or extension of the existing properties or the replacement of the existing dwelling with a new one, as opposed to the subdivision of a plot to accommodate additional dwellings. These changes have generally retained the spacious character and appearance of Humber View.
8. I acknowledge that the site is not within a conservation area and my attention has not been drawn to a development plan policy that seeks to preserve the character of Humber View specifically. However, this does not mean that I should not fully assess the appeal scheme in the interest of the character and appearance of the area, as required by Policy ENV1 of the East Riding Local Plan 2012 – 2029 Strategy Document, adopted 2016 (the ERLP SD).
9. The supporting text to Policy ENV1, at paragraph 8.10, states that there are areas that have their own special character which should be safeguarded, including large well spaced houses in substantial, landscaped grounds such as at Kemp Road. It appears to me that Kemp Road is given as an example rather than being a definitive or closed list of areas demonstrating this special character. The description would apply to the character of Humber View.
10. Paragraph 8.10 goes on to state that proposals to subdivide large gardens to form new building plots, or to carry out development not in keeping with the common character, will be resisted where they would have an adverse impact on that character. In my view, this approach would not just apply to the development of large rear gardens.
11. The proposed plots would be of a similar size to a number on Kemp Road and Tranby Lane. While these add some variety to the layout of the built form in the wider area, they do not form part of the street scene nearest to the site. The proposed plots would be larger than a number on Humberdale Close. However, Humberdale Close has a different character to Humber View, with consistently smaller plots and dwellings located closer to the road frontage. The new residential development under construction to the south of Humber View is of a different scale in comparison to the proposal, insofar as it is larger, comprising several dwellings and capable of taking on its own sense of place. These examples do not alter my view that the proposal would introduce a harmfully discordant development into the street scene.
12. Part A.2 of Policy ENV1 of the ERLP SD and paragraph 124 of the National Planning Policy Framework (the Framework) seek to ensure that development makes an efficient use of land. The proposal would achieve this, insofar as an additional dwelling would be accommodated on the site. However, paragraph

124 still requires regard to be had to the area's prevailing character and setting (including residential gardens) and part A of Policy ENV1 also requires the character and appearance of the area to be respected.

13. The Council is concerned that the proposal would set a precedent for similar schemes coming forward and has provided some details of two previous applications¹ for additional dwellings on plots on Humber View. Although there was an additional reason for refusal in both cases relating to living conditions, the erosion of the spacious open character of Humber View also formed a refusal reason for these proposals.
14. There is therefore some evidence that occupiers of other residential properties may propose a similar type of development. Moreover, there are no exceptional circumstances or any compelling justification which apply to no. 5 only. Therefore, and notwithstanding that each scheme must be considered on its individual merits, I find that there is a reasonable prospect of similar development coming forward on other plots on Humber View. If a similar subdivision of the plots was to occur, there would be a cumulative impact of the type I have described in response to the main issue of this case.
15. For the reasons given, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with Policy ENV1 of the ERLP SD which, amongst other matters, requires development proposals to safeguard and respect the diverse character and appearance of the area and to have regard to the specific characteristics of the site's wider context and the character of the surrounding area. It would also conflict with the design objectives of section 12 of the Framework, including that development should be sympathetic to local character. There would also be some conflict with paragraph 124 of the Framework which has been summarised above, and paragraph 71 which, although referencing plans, nevertheless identifies the potential for resisting inappropriate development of residential gardens.

Other Matters

16. The proposal would contribute to the supply of housing on a windfall site within the Development Limit of a Primary Village, which Policy S3 of the ERLP SD identifies as being suitable for residential development of an appropriate scale. While being mindful of the Government's objective of significantly boosting the supply of homes, the contribution made by a single dwelling would be limited and would not outweigh the harm that I have identified.

Conclusion

17. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

F Wilkinson

INSPECTOR

¹ Application references DC/16/02599/PLF/WESTES and 21/00291/PLF