



Appeal Decision

Site visit made on 20 December 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/E2001/W/22/3297651

Land at Ashford, North Drive, Swanland HU14 3QU.

- 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 Lovel Developments (Yorkshire) Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/00308/PLF dated 2 February 2021, was refused by notice dated 1 February 2022.
 - The development proposed is erection of 3 detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has previously been granted for the demolition of Ashford and its replacement with three dwellings served from North Drive¹. The evidence is that the permission remains extant.
3. The appeal site encompasses Ashford, Ashford Cottage, their gardens, and joint access from North Drive. The appeal drawings indicate that Ashford would be demolished, and, in addition to the appeal scheme, one of the dwellings approved as part of the extant permission would be constructed and Ashford Cottage would be retained.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Hall Park is a cul-de-sac of mainly detached houses of various design and siting. Mature boundary hedges and trees provide an attractive setting for dwellings and are prominent features within Hall Park that add considerably to the local environment. The informality of the layout of dwellings, the space around them and the mature landscaping notably contribute to the character and appearance of the area.
6. The trees within the appeal site are covered by Area A3 of TPO Swanland No 2 Tree Preservation Order 1974. Although the TPO is an area order there is little before me to suggest that the trees within the appeal site are not protected by the TPO. In any case the appellant has undertaken an arboricultural and

¹ planning permission 15/03562/PLF as varied by 21/00265/VAR

landscape report which has assessed the trees affected by the development. I agree with the report that the Leylandii and Lawson Cypress tree growth is suppressed or unattractive from Hall Park despite their significant presence in the street scene. However, other trees within the garden of Ashford adjacent to Hall Park, despite being assessed as category C, are identified as being in fair or good condition with a significant life expectancy. Whilst the garden boundary to Hall Park is defined by close boarded fencing, these other trees form a significant, mature tree canopy, are prominent within Hall Park and contribute to the street scene.

7. The proposed dwellings would face the Hall Park frontage and would be set on similar building lines, although plot 3 would be a different L shaped house type with part of the house and the garage forward on its plot, closer to the road frontage. Each dwelling would have a separate vehicle access, the access to plot 3 would be wider and there would be a turning area to the front of that plot due to the position of the garage.
8. The appeal drawings indicate that plots 1 and 2 would be sited 8 metres back from the road frontage, but because of the forward projection of porches, windows and the path around each dwelling the front garden depths would be less than this. Plot 3 is designed with a long elevation running adjacent to the side boundary forward of No 46 Hall Park. The side elevation of plot 3 would be a significant feature from the road and its proximity to the side and front boundaries would restrict the landscaping that could be established. Areas for landscaping would also be limited by the individual driveways and required visibility splays.
9. There are a range of house types adjacent to the appeal site and the proposed dwelling types would be compatible with the immediate context. However, the use of similar building lines for the dwellings and the limited space between and to the front of each plot would be discordant with the arrangement of adjacent dwellings and particularly prominent because of the narrow width of Hall Park outside the site. Taking the proposed layout together with the loss of the existing mature trees, the development would, in its context, appear overdeveloped and out of character with the spacious, informal, and mature setting of the surrounding dwellings.
10. I appreciate that a beech tree to the road frontage and holly towards the back of the site would be retained, and that the proposal includes the provision of new trees and hedging. Even so, only three of the new trees would be located to the front of the dwellings and the new hedging would be low and set back from the frontage because of the visibility splay requirements. Whereas many of the existing trees are evergreen and form a considerable mature canopy to the Hall Park frontage. Their loss would noticeably diminish the overall visible tree canopy in the street scene to the detriment of the character and appearance of the area.
11. I accept that the tree officer does not raise an objection to the proposed landscape scheme and considers the scheme to provide appropriate mitigation and future visual improvements. Nevertheless, the proposed landscaping largely concentrates on providing tree cover to the rear of the proposed dwellings and does not represent sufficient justification for the loss of apparently healthy, mature trees with extended life expectancy that contribute to the Hall Park street scene. Further, I do not agree that the proposed

landscaping would be an enhancement in the longer term given the limitations of the space proposed to the front of dwellings and the required visibility splays.

12. I acknowledge the appellant's point that 29 to 37 Hall Park is at a higher density and has a different layout. However, the appeal site is seen in the context of the less formal arrangement of buildings immediately adjacent to it. The mature conifer hedge and substantial brick boundary wall adjacent to the rear garden of No 9 North Drive and the alignment of Hall Park provide visual separation of the appeal site from Nos 29 to 37. The form of the development at Nos 29 to 37 does not support the design of the appeal proposal.
13. Further, whilst Nos 23 and 25 Hall Park are close to the road, these properties are designed with more space between them with a mature and substantial hedged boundary to the road frontage. Whereas the proposed dwellings would be sited close together and the frontage would appear significantly more built up as a result of the development.
14. The appellant sets out that there is a fallback whereby there would be a total of 4 dwellings on the appeal site. I agree that the fallback has a real prospect of being implemented if this appeal is dismissed. However, the fallback would retain the existing trees within the garden on the Hall Park boundary and it appears that this is a condition of the earlier permission. Further, the informal arrangement of the dwellings in the extant permission reflects the informality of the layout of dwellings immediately surrounding the appeal site. Therefore, the fallback is a different scheme that in my judgement would be less harmful than the appeal proposal.
15. Overall, I conclude that the proposed development would be detrimental to the character and appearance of the area in conflict with Policy ENV1 of the East Riding Local Plan Strategy Document adopted April 2016 (ERSD), which seeks to ensure that all development contributes to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction, and use. It would also conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure that development is sympathetic to local character including the surrounding built environment and landscape setting and existing trees are retained wherever possible.

Other Matters

16. I accept that the appeal site is within the development limits of Swanland, within walking distance of the village centre where there are shops, facilities, and public transport connections and where policies seek to make the most efficient use of land. Nevertheless, not all proposals within the development limits will be acceptable. Development plan policy and the Framework also seek to ensure that proposals have regard to the character and appearance of the area, and I have found harm and conflict with the ERSD and the Framework in this respect.
17. There would be some very modest economic and social benefits associated with the provision of an extra dwelling over that proposed in the extant planning permission, however, this matter attracts little weight particularly where there is no indication that the Council has an inadequate supply of housing land.

18. Whilst the Council does not raise any objections to the proposal in terms of highways, flood risk, ecology, living conditions or heritage matters, compliance with the development plan in these respects is a neutral factor.

Conclusion

19. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR