



Appeal Decision

Site visit made on 13 December 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/E2001/W/22/3304010

62 Woodgates Lane, North Ferriby HU14 3JY

- 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 Richard Bennett against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/01415/PLF, dated 25 April 2022, was refused by notice dated 1 July 2022.
 - The development proposed is described as 'erection of a new detached 4-5 bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description from the application form. In doing so, I have removed words that are not acts of development.

Main Issues

3. The main issues are:
 - whether the appeal site is an acceptable location for the proposed development having regard to the development plan policies and the effect on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for future occupiers.

Reasons

Location

4. The appeal site is an area of woodland located on the northern fringes of North Ferriby. The site is located to the west of an existing dwelling, the access of which runs along the edge of the woodland. The rear gardens of dwellings located along Woodgates Mount are located to the opposite side of the access road. The site is elevated from the road level of Woodgates Lane and there is no clear boundary definition with the highway verge here. Consequently, views are possible across much of the appeal site from the road. The trees on the appeal site form part of a wider belt of trees located to either side of Woodgates Lane that form an attractive, verdant backdrop and entrance to the village.

5. The appeal site lies outside of the development limits for North Ferriby and therefore is regarded as countryside for the purposes of Policy S4 of the East Riding Local Plan Strategy Document (2016) (ERLPSD). That policy sets out that within the countryside, more limited development that meets specific criteria is supported. One such form of development comprises new dwellings of exceptional quality or of truly outstanding innovative design. Both parties have referred to this part of Policy S4 and the appellant argues that the appeal proposal complies with this aspect of the policy.
6. The proposed dwelling would be positioned within the centre of the woodland and would utilise the existing access. Due to the change in levels between the access and the appeal site, the dwelling would be set into the ground to a maximum depth of around 1.5 metres. The dwelling would be constructed to a contemporary design using a steel frame. The appellant describes the design as a 'barn house' style, that has been informed both by the farm buildings to the north and its woodland setting. The footprint would be L-shaped comprising of two separate built forms: a two storey pitched roof 'barn' and a mono-pitched attached 'outbuilding'.
7. The building would be heavily insulated and supported by a partially earth-bound fly-ash concrete raft foundation. External walls would be formed by open joint articulated timber rainscreen and zinc shingles, with a zinc standing seam roof. Solar PV panels with a central battery storage system would be incorporated to help reduce running costs and target equal or better than an EPC A+ rating. The building would incorporate mechanical heat recovery ventilation with air-tight construction detailing. Underfloor heating would be provided via an air source heat pump. The building has been designed to benefit from passive solar gain with larger areas of glazing to the south and west elevations, including a large glazed gable facing the road.
8. The proposed energy efficiency measures such as PV panels, air source heat pump, heavy insulation and use of solar gain are welcome additions to the proposal and would reflect the support in the National Planning Policy Framework (the Framework) and the ERLPSD for renewable and low carbon energy. However, these are not original or new ideas. I note that such features are becoming more commonplace in new dwellings and as such, to my mind, are not, in themselves, clear indicators of a truly outstanding innovative design.
9. I note that the building would be partially hidden as a result of ground levels and would incorporate contemporary materials. I also accept that the proposal has been informed by agricultural buildings, notwithstanding the location within a woodland. However, its L shaped form is visually unremarkable, and leads to a large footprint within a woodland area. As such, it would require the removal of a substantial portion of the central part of the woodland, causing significant harm to the verdant character of the area and diminishing the site's contribution to the wider belt of trees referred to above.
10. In my experience, outstanding design works with and harmonises with its setting. This is not the case with the appeal proposal. Rather, the provision of a large footprint dwelling, courtyard, and parking centrally within the woodland, necessitating significant tree removal, would impose itself on its woodland setting rather than harmonising with it. I am therefore not convinced that the proposal would constitute exceptional quality or truly outstanding innovative

design. The planting of trees to the east of the existing building would not compensate for the significant harm from the loss of the trees. The planted trees would take many years to establish and provide the visual or ecological benefit close to that which would be lost, during which time the harm from their loss would prevail.

11. I accept that the appellant's tree survey¹ guides that the woodland is currently in need of management. However, that guides that the woodland should be thinned by removing between one in every five and one in every ten trees. It does not give any health justification for the blanket removal of the central section of the woodland. Indeed, it notes that the existing trees there have a useful life expectancy of 40+ years.
12. In views from the road, through the trees, as well as across the access road, the dwelling would be visible within the woodland, contrasting with its natural appearance. The most dominant feature would be the large two storey glazed gable. This would be particularly evident after dark. Moreover, the proposal would inevitably lead to domestic paraphernalia accumulating around the dwelling, at odds with the natural woodland setting. This would add to the visual harm of the proposal.
13. I accept that the appellant considers that the proposal would be screened by boundary treatments, however this would take time to establish and may not end up providing the level of screening anticipated, as is indicated by the failure of the hedge in 2014. During the time taken to reach the anticipated 2.5 metres in height, the harm arising from the building and the loss of the woodland will be apparent.
14. I also note that the appellant's survey anticipates ecological benefits from the hedges. I agree that such planting may constitute biodiversity enhancement. However, I am mindful of the loss of significant numbers of trees in order to construct the dwelling, as well as the potential disturbance to wildlife arising from its occupation. I am therefore not convinced on the evidence before me that the total proposed planting would result in any significant net biodiversity gain, at least in the short to medium term.
15. For the above reasons I conclude that the proposed dwelling would not be of exceptional quality or of truly outstanding innovative design. The appeal site would therefore not be an appropriate location for the proposed development which would conflict with the Council's housing strategy and result in significant harm to the character and appearance of the area. The proposal would therefore conflict with Policy S4 of the ERLPSD, described above.
16. There would also be conflict with Policies ENV1 and ENV2 of the ERLPSD which together seek to ensure new development is of a high quality design that preserves character and appearance, integrates successfully into the landscape and maintains or enhances the character of woodland. The proposal would also conflict with Framework paragraph 130 which requires planning decisions ensure developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character.

¹ Arboricultural Assessment Report by Wold Ecology dated May 2022.

Living Conditions

17. Whilst the proposal would involve the removal of a substantial portion of the centre of the woodland, it proposes to thin the sections that remain. The tree survey also proposes crown lifting to the trees adjacent to the access road. Given the proximity of the proposal, falling leaves and detritus would likely create a minor nuisance for future occupants.
18. However, due to the extent of the thinning proposed as well as the total absence of trees from the proposed courtyard area due to their removal, I am satisfied that the outdoor space would not be overshadowed to the extent that it would be harmful to living conditions.
19. Overall, whilst I agree with the Council that the presence of trees could become a minor nuisance to future occupants as outlined above, I am satisfied that the proposal would nonetheless provide acceptable living conditions for future occupants. The proposal would therefore comply with Policy ENV1 of the ERLPSD insofar as, amongst other things, it seeks to ensure new development preserves living conditions.
20. The proposal would also comply with the provisions of paragraph 130 of the Framework insofar as it seeks to ensure new developments provide a high standard of amenity for existing and future users.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR