



Appeal Decision

Site visit made on 9 January 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/E2001/W/22/3304691

Land East Of Plum Tree Cottage, 2 Plantation Drive, North Ferriby HU14 3BE

- 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 Ms Grantham against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/01087/PLF, dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided an amended plan with this appeal to reconfigure the first floor, moving the bathroom to the rear and a bedroom to the front. The changes proposed go beyond what I can reasonably accept as part of this appeal without prejudicing other interested parties who have not been consulted. Consequently, this appeal has been determined based on the same proposal the Council considered.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the surrounding area, with particular regard to its siting, scale, and the loss of soft landscaping;
 - The effect of the proposed development upon the living conditions for the occupiers of No. 10 Triangle Drive and No. 2 Plantation Drive (the host property), with particular regard to the size of the retained private outdoor space, privacy and outlook; and
 - Whether there would be satisfactory living conditions for the future occupiers of the proposed dwelling with particular regard to the private outdoor space provision and privacy.

Reasons

Character and appearance

4. The appeal site is a semi-detached property fronting onto Plantation Drive, located on a corner with Triangle Drive. Whilst there are some detached properties nearby, the immediate area is strongly characterised by low density semi-detached dwellings of varying sizes set within spacious plots. The corner plots, including the appeal site, feature diagonal boundaries resulting in wider front gardens but narrower rear gardens. Although some dwellings have been extended to the sides, these generally do not detract from the distinctive spacious character of this area.
5. There is some variety in front boundary treatment, however in the immediate vicinity of the appeal site, front hedges, including the established hedge that runs along the front of the host property are particularly characteristic to the area. This soft landscaping makes a positive contribution to the verdant appearance of the appeal site and its immediate surroundings, and also allows views between the host property and No. 10 Triangle Drive.
6. The proposal is to develop part of the garden of the host property, with a dwelling attached to its side to create a terrace of three dwellings. Although of a similar scale to the host property and its attached neighbour, its siting, resultant terraced form and small irregular plot size, particularly so close to the side of No. 10 Triangle Drive would be wholly at odds with the strongly established semi-detached character and spacious form of dwellings in the immediate area. Furthermore, the siting of the proposed dwelling and its right-angled position to No.10 would severely restrict views between the buildings and erode the spacious character of the area.
7. The proposed projecting rear gable would also be visible from Triangle Drive and would further contribute to the erosion of this spacious character, by adding to the scale of the proposed dwelling, in this prominent corner location. I note that the additional footprint of the dwelling is small in comparison to the size of the plot and maybe not dissimilar to some new dwellings on new residential developments, however this does not alter my opinion that the siting, scale and density of the proposed dwelling in this case is harmful to the character and appearance of this area.
8. The creation of 4 no. parking spaces to the front of both the host property and the proposed dwelling, together with the removal of the established front boundary hedge would create a regular row of parking spaces, without soft landscaping directly across the frontages of two properties. It would result in a form of development that would be discordant with the character and appearance of this immediate area. I acknowledge that there are other parking spaces to the front of nearby properties, but they do not include a successive run of 4 no. parking spaces in a regular row and are mostly located to the sides of properties.
9. The appellant has brought to my attention the development of a dwelling at No. 72 Corby Park (to create No. 74 Corby Park), which is located a short distance from the appeal site. I acknowledge that development has resulted in a terrace of three properties, like this appeal proposal. However, No. 74 is different to the appeal proposal as its located along a relatively straight part of the road and by virtue of an adjoining access road, retains some space

between it and the property to the side. Furthermore, it is not located on a corner with a diagonal boundary; nor does the side elevation of a neighbouring property directly abut its side boundary at a right angle. I also note that soft landscaping has been undertaken to the front of both Nos. 72 and 74, reflecting neighbouring hedges and planting. I therefore do not find this example to be comparable with the scheme before me and this therefore limits the weight that I give this matter in my assessment of this case. The appellant has also raised other examples in the locality, but has not provided details of these, so I am unable to take them into account in my decision.

10. I note that No. 10 Triangle Drive has been extended to the side, but this is an extension to that property and is designed to be subservient being lower in scale and set back from the front elevation. Furthermore, as an extension it is not seeking to subdivide the plot or create additional parking areas. Neither has that proposal affected the soft landscaping across its frontage or detracted from the spacious character of the area.
11. To conclude, the proposed dwelling would be harmful to the character and appearance of the surrounding area contrary to the requirements of Policy ENV1 of the East Riding Local Plan 2012 – 2029, Strategy Document, adopted April 2016 (ELP), which amongst other things, requires new development to be high quality and respect the character and appearance of the area. I also find the proposal to conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure new development is visually attractive and respects the local built character.
12. The Council's decision has referred to paragraph 71 of the Framework, which advises that plans should prevent inappropriate subdivision of gardens to create new dwellings that would be harmful to the character of an area. As this is related to policy formulation and is reflected in the supporting text to Policy ENV1 of the ELP (paragraph 8.10), I did not regard paragraph 71 to be directly relevant to this appeal.

Living conditions, existing occupiers

13. The proposed dwelling would be located close to the diagonal boundary with No. 10 Triangle Drive. Within the proposed side elevation would be a first-floor window serving a bedroom from where close up views could be obtained of the largely private area to the side of No. 10. From the first-floor rear bedroom window there would also be close up, direct views of the rear garden of No. 10, which is a relatively private space. As a consequence, the proposal would harmfully reduce the privacy of the side and rear garden environment of No. 10.
14. I note the appellant has indicated that they are willing to reconfigure the first floor and obscure the rear first floor window, however this would not address the harm that I have found because the side facing window serving a bedroom would remain.
15. The appellant made a comparison between the proposal and what is No. 74 Corby Park in terms of overlooking, however the circumstances in this case are not directly comparable and do not provide justification for a development that would harmfully affect the privacy of neighbouring occupiers.

16. The proposed dwelling would substantially infill the space between No. 10 and No. 4 Plantation Drive. The siting and scale of the proposed dwelling in such close proximity to No 10, would have an enclosing effect on its rear aspect, and would be particularly harmful to the outlook from its ground floor kitchen/dining openings.
17. The retained garden to the host property would be partly overlooked by the first-floor rear facing bedroom window on the proposed dwelling, however this relationship would not be dissimilar to the existing situation where there is a degree of overlooking from nearby properties. As such the appeal does not fall on this matter.
18. The host property would retain the majority of its existing rear garden area, which would ensure that its occupiers would have a satisfactory amount of private outdoor space. Whilst the proposed dwelling would extend marginally beyond the rear elevation of the host property, I do not find that this in itself would be harmful to the outlook for its occupiers.
19. To conclude, the proposal would be harmful to the living conditions for occupiers of No. 10 Triangle Drive due to a harmful loss of privacy and outlook in conflict with Policy ENV1 of the ELP, which amongst other things, requires regard to be had to the amenity of existing properties. I also find the proposal to conflict with paragraph 130 of the Framework which amongst other matters, seeks a high standard of amenity for existing and future users.

Living conditions future occupiers

20. The proposed dwelling would have a triangular shaped side garden, which would be behind a low front fence and would not be particularly private. To its rear, would be a diagonally shaped garden, which would also not be private, as it would be overlooked to either side by first floor windows on the rear of the host property, and from a rear first floor window on No. 10. The level of overlooking would be much worse for the proposed dwelling than the host dwelling, given the diagonal arrangement of gardens and its close proximity to No. 10, which would be at right angles to the proposal dwelling.
21. Although small in comparison to the size of rear gardens nearby, the proposed rear garden would be satisfactory for the size of the proposed dwelling, it would also allow space for outdoor seating, and a small lawn.
22. To conclude, the proposal would be harmful to the future living conditions for occupiers of the proposed dwelling due to its lack of privacy, which conflicts with Policy ENV1 of the ELP, which amongst other things, requires regard to be had to the amenity of proposed properties. I also find the proposal to conflict with paragraphs 130 of the Framework which amongst other things, seeks high standard of amenity for future users.

Other Matters

23. Although the proposal would add to the number of dwellings within North Ferriby, the additional contribution of this one dwelling will be small and I have not been presented with evidence to show the Council does not currently have an adequate supply of housing, consequently this argument is not outweighed by the identified harm above.

24. I note the appellant has described the new dwelling at what is No. 74 Corby Park being located on a busier road, be that as it may, that does not alter my conclusions on this appeal.

Conclusion

25. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR