



Appeal Decision

Site visit made on 12 April 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/E2001/W/22/3308432

12 Pinfold, South Cave, East Riding of Yorkshire HU15 2EZ

- 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 Peter Louth against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/01758/PLF, dated 24 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is Erection of a detached dormer bungalow and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the South Cave Conservation Area (CA). I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act).

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character and appearance of the CA, with particular regard to the effect on the appeal site tree; and
 - The effect on the living conditions of existing and future occupiers with particular regard to outlook and garden space of No 12 Pinfold (No 12) and future occupiers.

Reasons

Character and appearance

4. The appeal site is formed from part of the garden of No 12 Pinfold (No 12), within the village of South Cave. The appeal site is at the rear of No 12, which is part of a row of stone cottages. It is accessed via a gently rising vehicular drive between No 12 and No 14 Pinfold and this leads to other detached stone and brick dwellings at No's 12a and 12b Pinfold (No's 12a and 12b). There is also a pedestrian access to other nearby properties, and the appeal site garden is separated by a path at the rear of No's 6 – 12 Pinfold. It is enclosed by mature hedgerow boundaries, save for a narrow gap to allow access into it. Within the appeal site is a Mature Weeping Willow, which like other trees within

the CA are visible within and outside it and from public views providing a mature context for the older buildings.

5. From the information submitted and from my own observations, the significance of the CA is derived in part from the historic architectural and social development of the area. The appeal site contributes to the character and appearance of the CA as the space at the rear allows landscape features to permeate the gaps in an otherwise largely built-up frontage comprising the older properties sited directly on to the footway. This contributes to the rural character and setting of CA, which is identified as part of its special interest within the CA Appraisal.
6. I accept that the presence of 12a and 12b, and the surrounding pattern of development is not so regular that 'backland' development would not be at odds with the character of the area in this particular enclave. The proposed 'L' shaped dwelling would reflect those built nearby. It would have a single storey eaves height and hipped and gabled roof structure. However, notwithstanding the overall scale, the property would be sited almost on the eastern and northern boundary. Due to its position and siting close the site boundaries it would appear cramped in its plot.
7. The above effect would be compounded by the proximity of the dwellings at No's 6 – 12 Pinfold, which have relatively shallow rear gardens. Even though its relationship with 12a and 12b would be acceptable, No 12a and No 12b are sited in more spacious plots. No 12b, which is comparable to the appeal proposal having been extended, still has a greater separation to its boundaries and the rear of other properties on Pinfold. The proposal would therefore not be entirely comparable with these two properties, and in this respect the proposal would be contrary to the prevailing character of the area.
8. The appellant's Arboricultural Survey and Impact Assessment categorises the Weeping Willow as Category C1. Whilst this tree is categorised as being of low quality with some moderate defects, nonetheless it would continue to contribute to the area for at least 10 years. The Council's Tree Officer advises that it would not require removal and has full leaf canopy. When I visited the site the Weeping Willow was in leaf. It was visible from Pinfold and would be highly visible from the dwellings which have boundaries with rear spaces here. I find that the position, height, canopy spread, and overall shape and form of the tree contributes to the character and appearance of the CA and wider area. Trees of such maturity, and appearance would not be replicated by immature planting.
9. Consequently, given my findings on the contribution of the tree to the character and appearance of the CA and wider area and its predicted lifespan I find no justifiable reason for the tree to be removed. I am not convinced a replacement tree would readily compensate for its loss at this time. Whilst I acknowledge that the development would not be prominent from public views, it would diminish the contribution that the space with the landscape feature makes to the character and appearance of the area.
10. Overall, notwithstanding that the design is reflective of nearby dwellings, particularly in terms of the features and scale, the effect of the proposed development on the area would be harmful and it would not preserve or enhance the character and appearance of the CA. In terms of the CA this level of harm would be less than substantial. The LBCA Act requires that this matter

carries considerable importance and weight. The National Planning Policy Framework¹ (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

11. The appeal site is in a suitable location for new housing and would contribute towards housing supply, particularly the housing mix requirement for smaller 2-bed dwellings, which could accommodate a wide range of people within the local community, including the elderly. However, the benefits from the provision of a single dwelling in a sustainable location, including any economic and social benefits from the construction and occupation of the dwelling, would be small. These benefits would not outweigh the less than substantial harm that would be caused to the character and appearance of the CA having regard to the great weight that I must attach to this.
12. The proposal would therefore be contrary to Policy ENV1 and ENV3 of the East Riding Local Plan Strategy Document (ERLP-SD) which expects all development to achieve a high quality of design and contribute to a sense of place as well as conserve designated heritage assets. The proposal would also be contrary to the guidance with paragraphs 71 and 124 of the National Planning Policy Framework insofar as it seeks to reinforce the requirement for development to be sympathetic to local character and resist inappropriate development of residential gardens.

Living conditions

13. The intervisibility between the windows of No 12 and its garden and the proposed development are currently constrained at ground level by boundary hedging and the existing garage to No 12. The gable of the proposed dwelling would be higher than the proposed 2m high boundary treatment which would run along the boundary with the passageway. However, it would not extend along its full width and would not fully foreshorten the outlook for No 12 with relief provided in front of the proposed dwelling.
14. The Council also refer to the effect of the building on the privacy and outlook of future occupants of the proposed dwelling. I am satisfied that the proximity of the proposed 2m high boundary treatment would prevent significant views into the window, or this could be controlled through obscurely glazing it. Whilst it would not provide a good outlook on its own, there are additional windows to the front and rear which would be commensurate in size for the proposed room and its use.
15. There is no information before me as to the size or number of bedrooms of the existing property at No 12, so I cannot be sure whether the garden is an appropriate size. In addition, the Design Guidance for House Extensions referred to by the Council appears to relate more to intervening distances to prevent loss of privacy rather than a standard for a garden. However, based on my observations, in this instance, notwithstanding my concerns about the overall effect to the character and appearance of the area, the garden sizes for both the proposed dwelling and No 12 appear to be acceptable in the context of the immediate area.

¹ Paragraph 202

16. Consequently, the proposal would not harm the living conditions of existing and future occupiers with particular regard to outlook and garden space. The proposal would accord with Policy ENV1 of the ERLP-SD. Insofar as this is relevant to the appeal, it requires development to have regard to the amenity of existing and future occupants. For the same reasons, the proposal would not conflict with paragraph 130 of the Framework where it seeks to ensure a high standard of amenity

Other Matters

17. I acknowledge the appellant's concerns over the Council's handling of the application. This matter and absence of local objections do not alter my findings above in which my assessment was informed by a site visit, and information before me when assessed against the development plan. The Council accept that the aforementioned application from 2004 is not the same site as the appeal site and therefore acknowledge that application is not relevant to the appeal proposal. As such it has had no bearing on my assessment.

Conclusion

18. Although I have concluded that the proposal would not be harmful to living conditions, this does not outweigh the harm in respect of character and appearance to the area and CA. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
19. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR