



Appeal Decision

Site visit made on 28 September 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/E2001/D/23/3327189

Bramblefield, Bydales Lane, Winestead HU12 0NW

- 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 Michael Fisher against the decision of the East Riding of Yorkshire Council.
 - The application Ref: 23/00480/PLF, dated 10 February 2023, was refused by notice dated 06 July 2023.
 - The development proposed is described as a "Erection of a brick wall to the front elevation facing Bydales Lane"
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are a) whether the proposed development would preserve or enhance the character or appearance of the Winestead Conservation Area (the "WCA") and, b) the effect of the development on landscape features.

Reasons

3. The Winestead Conservation Area Appraisal (2006) defines the special interest of the WCA as deriving *"from the independent establishment of cottages within generous curtilages, usually large enough to avoid any suggestion of overcrowding, yet not so large as to lose the sense of overall community. It remains one of the few unspoilt former estate villages in Holderness."* Insofar as is relevant to this appeal I find the significance of the WCA is founded on its rural setting, sense of spaciousness and its overall verdant character.
4. The appeal relates to a two-storey detached dwelling which has a long roadside frontage comprising a well-established hedgerow, mature trees and a picket fence. The appeal site has two points of access, the existing on-site vegetation ensures that these are visually discrete in views along Bydales Lane. Frontage boundaries along this part of the WCA are generally characterised by hedgerows although there are some examples of boundary walls, gates and gate posts of varying length and heights. Nonetheless, the appeal site and surrounding properties have a distinctly verdant and rural character where the roadside boundaries contribute positively to the overall character and appearance of the WCA.
5. The appeal proposals relate to the construction of a low-level brick boundary wall with slightly taller pillars located intermittently along its length. Two tall

- metal vehicular gates are also proposed which would be set back by approximately 2m. Each gate would be flanked by a brickwork pillar, of similar height, with flank walls rising up from the lower-level roadside wall.
6. The new boundary would be sited along the Bydales Lane frontage in its entirety. The overall length of the boundary walls and gates would be significant and would introduce a prominent urban feature within an otherwise intrinsically rural location. Such lengths of boundary are not prevalent to this part of the WCA thereby eroding the general sense of spaciousness in the streetscene. The proposed walls and gates, would appear visually at odds with its verdant surroundings, thereby causing harm to overall character and appearance of the WCA.
 7. As discussed in the second main issue below, I have no evidence to convince me that the boundary wall can be constructed without requiring the removal of the hedgerow or trees. Even if the hedgerow could be retained, then the visual contrast between the brick wall and the hedgerow is likely to compound its visual prominence. Should the hedgerow and/or any of the trees be removed then this, equally, would have a negative effect of the WCA given the positive contribution that these features have to the character of the area.
 8. I have had regard to the existing walls and gates cited by the appellant. Lilac Cottage lies immediately to the north of the appeal site, and is fronted by a low-level wall which is significantly shorter in length than the appeal proposals. Lilac Cottage is sited much closer to Bydales Lane than the appeal dwelling and therefore the low-level wall is viewed in the context of that property, which reduces its visual prominence. Lilac Cottage also has a gate and gate pillars and a short length of taller wall along its frontage. This is separated from the lower-level wall by intervening stretch of vegetation. This vegetation serves to break up the extent of built development along the Lilac Cottage frontage, while preserving the spacious character of the WCA. The appeal development would result in a visual continuity of the existing boundary wall, therefore exacerbating its visual presence in the streetscene.
 9. The Old School lies to the south of the appeal site and has a tall metal gate and brick pillars, with a short flank wall to its frontage. The remainder of the frontage is hedgerow. The gates and pillars are set back from the roadside boundary, discretely sited behind the existing hedgerows and, as such, are not visually prominent in views along Bydales Lane.
 10. Therefore, while I acknowledge that there are examples of similar height walls and gates within the immediate area, these are visually discrete and do not undermine the verdant and rural character of the WCA.
 11. I note that the Partington Parish Council agreed to support the proposals. While the Parish Council may have no concern with regard to the proposal I am required to ensure that the development preserves or enhances the character or appearance of the WCA and such support does not outweigh the concerns that I have identified.
 12. Therefore, the proposals are contrary to Policies ENV1, ENV2, and ENV3 of the East Riding Local Plan 2012 – 2029 Strategy Document ("ERLP"); paragraphs 130 and 134 of the National Planning Policy Framework 2023 (the "Framework"); and, C1 and C2 of the National Design Guide ("NDG").

Together, these require, amongst other things, that development be of good design and that regard be had to preserving and enhancing heritage assets.

13. The impact of the proposal would be relatively localised and the harm to the WCA identified above would be less than substantial. The Framework makes clear in paragraph 202 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal and I return to this in the overall planning balance.

Effect on Landscape Features

14. To the front of the appeal site is a well-established hedgerow and a number of mature trees which, given their size, are likely to be protected by reason of their location within the WCA. Cumulatively, these landscape features are of particular importance, visually, to the overall character and appearance of the WCA. Significant loss of hedgerows and trees in this location is likely to have a negative effect on the character and appearance of the WCA and, without appropriate consideration, their integrity and longevity could be compromised by the proposed development.
15. Notwithstanding the very close proximity of the development to these landscape features, appropriate detail has not been provided which accurately plots their position or categorise them. Furthermore, no information has been provided to demonstrate the effect that the development would have on these features, future pressures, and any mitigation that may be required.
16. I have had regard to the appellants view that there is no intention to alter existing vegetation. However, given the close proximity of the development to these landscape features I cannot be certain that they can be retained. The decision maker needs to be satisfied that the development is likely to have an acceptable impact on such features from the outset. This is a consideration which can only be made through the assessment of appropriate information which has not been provided.
17. Therefore, I find that the development could have a potentially harmful effect on hedgerows and trees which would be contrary to Policies ENV.1, ENV.2 and ENV.3 of the ERLP which, together, seek to achieve high-quality design through the provision and protection of landscape features, including where they contribute towards the special interest of a Conservation Area. Furthermore, the proposals are contrary to paragraph 131 of the Framework which requires that existing trees are retained wherever possible; and the advice of the NDG which identifies that the incorporation of natural features is a feature of good design.

Planning Balance and Conclusions

18. I have identified that the proposed development would cause less than substantial harm to the significance of the WCA. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight. Any benefits of the scheme are likely to be private and, as such, I have not identified that the scheme would deliver the necessary public benefits to outweigh the great weight to be attached to the harm to the heritage asset that I have identified.

19. For the above reasons, the proposed development conflicts with the development plan and with the provisions of the Framework in relation to heritage assets. There are no material considerations, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR