



Appeal Decision

Site visit made on 7 February 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th February 2024

Appeal Ref: APP/E2001/D/23/3332623

11 Mere Way, Swanland, North Ferriby HU14 3QB

- 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 Brian Dunne against the decision of East Riding of Yorkshire Council.
 - The application Ref: 23/01599/PLF dated 25 May 2023 was refused by notice dated 5 October 2023.
 - The application is for two storey and single storey extension to rear (Revised scheme to previous refusal 23/00868/PLF).
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Decision

1. The appeal is allowed and planning permission is granted for two storey and single storey extension to rear in accordance with planning application reference 23/01599/PLF dated 25 May 2023 subject to the conditions as set out in the Schedule below.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.
3. The description of development used on the appellants original application form differs from that used by the Council. In Part E of the appeal form the Appellants Agent has confirmed that the description used by the Council is then same as that intended. Accordingly, I have used the description used by the Council as this more accurately reflects the development proposed.

Main Issues

4. The main issues are the effect of the proposal upon the safe and efficient use of the highway, upon the character and appearance of the area and upon the living conditions of neighbours.

Reasons

5. The Appeal property is a link detached two storey house within a courtyard type development dating from the late twentieth century. The house is mostly off white rendered and is located towards the top left hand corner of the cul de sac as one enters. To the front the house sports a single storey porch and a car

- port gives access under a first floor room towards an existing single storey garage at the rear.
6. The proposal before me seeks the removal of this rear garage and the infilling of the existing car port so as to create a new ground floor living space. The proposal would also construct extensions to the rear that would consist of single storey and first floor accommodation running the length of the rear elevation. The first floor element would be constructed to the south of the plot adjacent to an existing pub car park and would present a gable, with a blind window, facing towards the rear garden.
 7. This proposal is an amended scheme following refusal of permission for a similar application¹. This new proposal has sought to address the previous reasons for refusal through removing the window to the first floor level of the rear extension and increasing the parking dimension in front of the infilled car port from 4.3m to 4.8m.
 8. In assessing this appeal I am aware of the Council's Policy ENV1 that seeks to reflect the Framework in achieving good design that is responsive to both the character of an area and the living conditions of neighbours. This policy also seeks to balance the needs for useable parking with protecting and enhancing such character. I am also aware of the Council's Supplementary Planning Document on Sustainable Transport that I consider, in absence of any evidence to the contrary, is still a material consideration in the assessment of this appeal.
 9. Coming to the first issue, I consider that the character of Mere Way is generally one of a kind of courtyard development whereby vehicles park where practicable in a more informal manner. I saw on my site visit that there is also unrestricted parking nearby and that it would be physically possible for a vehicle to park in front of the appeal site.
 10. Although such parking would often be seen as compromising the appearance of the streetscape, in this case I consider that the courtyard feel of Mere Way is capable of accommodating the parking of vehicles in such a manner.
 11. The Council's Highways Development Management Officer was generally supportive of the revised proposal in their response to the revised scheme and the parking arrangement. However, they did request an additional 20cm to the 4.8m proposed parking space in front of the dwelling so to bring the space dimension to around 5m in length.
 12. I have no evidence before me as to the precise policy or guidance which requires such a distance to be achieved, but I do have evidence from the Sustainable Transport SPD that suggests the 4.8m in length as proposed as being acceptable. As such, I can only give limited weight to the Highway Officer's requirement for this full 5m and consider that the 4.8m length as proposed would be sufficient to park a vehicle effectively.
 13. In terms of the effect of the proposal upon the character and appearance of the area, I concur with the Planning Officer's assessment that the positioning of the extensions would be to the rear and contextual in their form. Although the

¹ Planning application 23/00868/PLF

parking elements would introduce more vehicles to the property frontage, I consider that the courtyard appearance and design of Mere Way is sufficient to be able to cope with such an incidence of on street parking. As such, I find no harm through this proposal upon the character of the area.

14. Several residents raised concerns regarding the effect of the proposal upon their living conditions and this was also echoed by the Parish Council. In assessing this I saw on my site visit that the existing boundary structures already have the effect of something like a single storey extension, albeit one with a flat roof. Therefore, the effect of the single storey pitched roof extensions would, I consider, have a negligible impact upon the living conditions of the adjoining neighbour at number 15. This is alleviated all the more through the presence of the existing garage here that places the habitable ground floor rooms of number 15 noticeably farther away from the common boundary here.
15. In term of the first floor gable element to this rear extension, similarly I consider that the distances involved would be sufficient to adequately protect the rear garden of number 15 from any adverse effect caused by overshadowing.
16. Number 12 Dale Road is a sizeable bungalow located near to the rear boundary of the appeal site. Although the proposed gable would introduce a new, more obvious element to this rear elevation, due primarily to the distance involved, I do not consider that this would cause any adverse over dominance or overshadowing of this property. Moreover, due to the removal of the first floor window here there would also be no adverse impact through overlooking.
17. In summary this proposal meets the requirements of the Council's policy on Sustainable Transport and would otherwise be acceptable by Highways. Moreover, the effect upon the living conditions of neighbours would be minimal and would not be sufficient enough to lead me to conclude to dismiss this appeal. As such the proposal before me meets the requirements of Policy ENV1 and EC4 of the East Riding Local Plan as well as the Sustainable Transport SPD and the requirements of the Framework itself.

Conditions

18. I have added the list of conditions as suggested by the Council in their Questionnaire and in their previous recommendation for approval. These include the standard conditions that are appropriate for controlling the detail and design of such a scheme as well as a condition regarding the retention of car parking as laid out and the removal of certain Permitted Development Rights so to protect the living conditions of neighbours. I have also included the correct plan reference for the proposed plans in condition 6.
19. Although noting the suggestion from residents that a condition be imposed to control the potential increase in bedrooms, I consider that such a condition would be largely un-enforceable and as such would not meet the requirements as suggested in the Planning Practice Guidance (PPG).

Conclusion

20. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as set out in the schedule below.

A Graham

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be undertaken within Part 1, Class A, B or C consisting of the installation of windows, dormer windows, or other openings (other than those expressly authorised by this permission) at first floor level or above in the north and west facing elevations of the two storey extension hereby permitted, without the grant of a separate planning permission from the Local Planning Authority.
4. No part of the development hereby approved shall be first occupied until the parking spaces have been provided in full accordance with the approved plans, or in accordance with a phasing scheme that has been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be so retained for the parking and manoeuvring of motorcars and this provision shall not be used for any other purpose.
5. The parking spaces shown on the approved plans (drawing no. BD-PP-PR-GA Rev B, received 19 July 2023) shall be retained and shall not be used for any other purpose.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: BD-PP-PR-GA Rev B -Proposed Arrangement as revised 19 July 2023.