



Appeal Decision

Site visit made on 30 April 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2024

Appeal Ref: APP/E2001/W/23/3333524

Land adjacent to 11 Park Avenue, Brandesburton YO25 8QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by A Ravis against the decision of East Riding of Yorkshire Council.
 - The application reference is 23/02052/OUT.
 - The development proposed is the erection of a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by A Ravis against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with appearance, landscaping and scale reserved for future consideration. I have determined the appeal on this basis, treating supporting plans other than those relating to access and layout as illustrative.
4. When the Council's officer report is read as a whole and alongside the reason for refusal on its decision notice, I am satisfied that the Council's position on the proposal is sufficiently clear, and its intention was that permission should be refused for the reason given. I have proceeded on that basis.
5. The National Planning Policy Framework (the Framework) was amended in December 2023. I am content that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. There is no dispute between the main parties that as the appeal site is within the development limit of a Primary Village, the general principle of housing on the site would be acceptable under the terms of Policy S3 of the 2016 adopted East Riding Local Plan 2012 – 2029 Strategy Document (the ERLP SD). I have no reason to disagree.

8. Nonetheless, Policy ENV1 of the ERLP SD requires that all development proposals contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use. Part B of the policy supports development where it achieves a high-quality design which will be accomplished by several listed factors including having regard to the specific characteristics of the site's wider context and the character of the surrounding area. There is no clear evidence before me to indicate that this policy would not apply to outline proposals.
9. There is a consistency to the built form along Park Avenue. This stems mainly from the buildings being arranged conventionally, set back from, and facing the road with parking to the front or sides, with similar spacing between them. The gaps between the buildings and their boundaries contribute positively to a sense of spaciousness in the street scene and allow glimpses through to the trees and vegetation to the rear of the dwellings which provides a pleasant backdrop to the streetscape.
10. The submitted plans show that the site appears to be of a sufficient physical size to accommodate a pair of semi-detached dwellings on a similar building line to no. 11. This would maintain the linear form of built development along Park Avenue. The appellant's evidence identifies that the width of the proposed dwellings would be similar to many of the other dwellings on Park Avenue.
11. However, given the size of the site and its configuration and based on the proposed layout, it is likely that the two dwellings would sit markedly closer to their respective boundaries and would take up much of the full width of the site. While space to each side would allow access to the rear garden areas, this would be much narrower than at the other properties on the street.
12. As a result of the proximity of the proposed dwellings to their side boundaries, and the predominance of parking areas to the front, the proposal would give rise to a cramped appearance on the site in contrast to the sense of spaciousness around the other dwellings in the vicinity. This would erode the current balance of built form and the sense of openness in the street scene and would not harmonise with the general grain of development in the locality. The proposal would therefore result in an incongruous form of development that would unacceptably harm the character and appearance of the area.
13. I appreciate that the application is in outline and appearance, scale and landscaping are reserved for future consideration. However, layout is a matter to be assessed. Layout is defined¹ as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. I am not satisfied that two dwellings with the layout proposed could be accommodated on the site in such a way that would integrate with the surroundings and respect the character and appearance of the area.
14. The appellant highlights a section of the officer report which it is contended gives support to the proposal's compliance with Policy ENV1 of the ERLP SD and the Framework. However, the highlighted section relates to the Council officer's consideration of the effect of the proposal on the living conditions of neighbouring residents and future occupiers of the dwellings. This is also a

¹ Town and Country Planning (Development Management Procedure) (England) Order 2015

component of Policy ENV1 but is a different consideration to the effects of the proposal on the character and appearance of the area.

15. I therefore conclude that the proposal would materially harm the character and appearance of the area. Consequently, it would conflict with Policy ENV1 of the ERLP SD, the relevant requirements of which have been summarised above. It would also conflict with the design objectives of section 12 of the Framework and the guidance on the promotion of high-quality design in the National Design Guide.

Other Matters

16. Planning permission was granted in 2022² for a dwelling on the site. However, while there are only very limited details of this development before me, it relates to a single dwelling whereas the appeal proposal is for two dwellings. Based on the available evidence, the two schemes do not therefore appear to be directly analogous. In any event, I have evaluated this appeal proposal on its individual planning merits.
17. The proposal would contribute (numerically) to housing supply in a location that is within a reasonable walking distance of the services and facilities in the village. However, I do not afford such a benefit very significant weight given the quantum of houses proposed.
18. The appellant identifies that the site is at a low risk of flooding; that no concerns have been raised by the Council about the effect of the proposed layout on the living conditions of nearby residents, the proposed access points or highway safety; and the proposed number of parking spaces would accord with the Council's requirements as would the rear garden depths. The appellant also contends that the proposal would provide appropriate outdoor amenity space for each dwelling and more private amenity space than other modern developments in the village. While this may be the case, a lack of harm would be neutral in my determination of the proposal rather than weighing positively in favour of allowing the appeal.
19. Comments have been made on the Council's handling of the case. However, in determining this appeal, I am only able to have regard to the planning merits of the case.
20. None of these matters alters or outweighs the harm that I have identified.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

² Reference 22/02692/PLF