



Appeal Decision

Site visit made on 4 June 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Appeal Ref: APP/E2001/W/24/3338725

Land north of Newton House, Front Street, Burton Fleming, East Riding of Yorkshire YO25 3PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Charlton against the decision of East Riding of Yorkshire Council.
 - The application reference is 23/02149/PLF.
 - The development proposed is to erect 1 bedroom dwelling with integral carport.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied 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 Issues

3. The main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers with regard to outdoor amenity space;
 - the effect of the proposal on the living conditions of occupiers of Newton House with regard to outdoor amenity space and privacy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

4. While Policy ENV1 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD) does not specify any space standards for the delivery of outdoor amenity areas, it requires regard to be had to the amenity of existing or proposed properties. The Framework seeks to ensure that developments have a high standard of amenity for existing and future users.
5. The outdoor amenity area for the proposed dwelling would be small, with limited space to accommodate typical garden activities such as sitting out, gardening, and for other outdoor requirements such as drying washing. This would be exacerbated by the narrow, linear nature of the spaces, which would

restrict the activities that could reasonably take place in them, thereby greatly limiting their useability. Furthermore, the narrow width between the proposed dwelling and the relatively tall boundary fence to the north would create a rather enclosed and oppressive space.

6. While the outdoor space standards may be greater than flats with no private outdoor amenity areas, the lack of outdoor space in other properties would not justify a deficiency in this case. Notwithstanding that there may be a reduced expectation for outdoor space for one-bedroom properties of this nature, and while appreciating that not everyone may desire a large garden, the provision of a satisfactorily sized useable area of private outdoor space is not an unreasonable requirement, in terms of delivering high quality and well-designed places that promote a high standard of amenity for future users.
7. Turning to Newton House, I note the figures provided by the appellant on the retained site area for this dwelling. However, the submitted plans show that much of this area would be taken up by vehicle parking and turning space. The area that would be retained as useable outdoor amenity space would therefore be a relatively small and shallow area to the rear of the dwelling.
8. The size of this area would restrict opportunities for occupiers to undertake a range of outdoor activities normally associated with a private garden serving what appears to be a family sized home. This would include informal recreation, children's outdoor play and other domestic paraphernalia, drying washing and cultivating plants. The useable outdoor amenity space that would be retained for Newton House would therefore be inadequate. This would be detrimental to the living conditions of the occupiers of this dwelling.
9. The appellant states that a detached garage was to have been sited on much of the appeal site and so it would not be available as amenity space for Newton House in any event. However, no details of the garage, including its location within the site and its footprint, have been submitted in evidence. I cannot therefore be certain that the extent of useable outdoor amenity space for occupiers of Newton House would be the same as with the appeal scheme.
10. The first-floor window that would serve the main living area of the proposed dwelling would afford future occupiers almost direct views over the rear outdoor amenity space of Newton House at a relatively close distance. This would be detrimental to the enjoyment of this area by occupants of Newton House. Concerns about loss of privacy could be addressed to a degree by the use of a planning condition requiring the window to be obscure glazed. Given that the window would face south and that the living space would also be served by an east facing window, I am satisfied that obscure glazing would not reduce the amount of natural light for future occupiers of the proposed dwelling to a harmful extent. However, occupiers of Newton House would still have a perception of being overlooked when in the outdoor space given the proximity, height, and angle of the window.
11. Overall, therefore, future occupiers of the proposed dwelling would experience an environment lacking in satisfactory private outdoor amenity space. The proposal would result in an inadequate area of private outdoor space for occupiers of Newton House and a harmful loss of privacy when in this area. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers with regard to outdoor amenity space and would harm the living conditions of occupiers of Newton House with regard to outdoor

amenity space and privacy. It would therefore be contrary to the residential amenity objectives of Policy ENV1 of the ERLP SD and the Framework.

12. The Council's refusal reason on this matter refers to a conflict with Policy ENV6 of the ERLP SD. This policy relates to managing environmental hazards. While it addresses various forms of pollution, I am not persuaded of its relevance to matters concerning outdoor amenity space and privacy. I do not therefore find a conflict with Policy ENV6, but this does not alter my conclusion.

Character and Appearance

13. There is some variety in the built form along Front Street in terms of age and architectural forms. However, while the dwellings predominantly face onto the street and sit directly or close to the back of the pavements, many have rear gardens of a reasonable size. As such, the buildings in the vicinity of the site generally do not appear cramped or squeezed into their surroundings.
14. The proposed dwelling would be sited on a similar line to the nearby dwellings. In having the entrance door in the east elevation, it could be described as having an orientation that faces onto the street. The dwelling would be finished in a palette of materials to reflect the surrounding properties.
15. Nevertheless, the proposed development would not sit comfortably in the street scene. As described above, the proposed dwelling would have only a small area of outdoor amenity space and would result in a small outdoor area for Newton House. The proposed site coverage would therefore be seen as far more tightly arranged than other developments in the area. As a result, the dwelling would appear visually cramped on the restricted site and would be markedly inconsistent with the general pattern and grain of development in the vicinity. The proposal would therefore result in an incongruous development.
16. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policy ENV1 of the ERLP SD which, amongst other matters, requires development proposals to contribute to safeguarding and respecting the diverse character and appearance of the area. It would also conflict with the design objectives in the Framework and the National Design Guide.

Other Matters

17. The proposal would be within the development limits of the village, and Policy S4 of the ERLP SD supports development to help maintain the vibrancy of villages. The dwelling would be within a reasonable walking distance of the limited services and facilities in the village. However, this would not reduce the harm I have found, nor avoid conflict with the other policies I have cited.

Conclusion

18. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR