
Appeal Decision

Site visit made on 23 April 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/E2001/W/23/3335942

31 Main Street, Tickton HU17 9SH

- 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 and Mrs Alistair Krebs against the decision of East Riding of Yorkshire Council.
 - The application Ref is 21/02176/PLF.
 - The development proposed is a new two storey bedroom house including a rear courtyard, garden and parking space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the development was started in March 2019 but it has not yet been completed. Notwithstanding the details provided on the application form, the development on site appears to reflect the proposal illustrated on the plans. Nevertheless, while I have taken into account what I saw during my visit, I have determined the appeal on the basis of the plans that were considered by the Council.
3. Planning permission (Ref: 16/02761/PLF) was previously granted for a single dwelling on this site in 2016. The appeal scheme differs from it by virtue of its siting further forward of the building line along Main Street, its taller height and width, traditional detailing, timber porch and revised bay window to its front elevation.
4. As the development is located in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are:
 - Whether the development conserves or enhances the character or appearance of the Tickton Conservation Area;
 - Whether the development complies with national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and,
 - The effect of the development on the living conditions of the occupiers of No 27 Main Street, with particular regard to outlook.

Reasons

Effect on the Conservation Area

6. The appeal site is located on Main Street in the eastern part of Tickton and within the Tickton Conservation Area (CA). The CA is formed of two parts, both of which are centred on Main Street. Properties are of a varied age, with some examples from the 18th and 19th century. They are of a simple design and are two storey with subservient single storey elements such as porches and extensions. The consistent scale and orientation of buildings results in a harmonious historic townscape. Give the above, I find that the significance of the CA, insofar as it relates to this appeal, to be associated with the strong linear plan-form and the scale and orientation of the buildings which line the historic village street.
7. Although two storeys in height, No 31 is considerably taller than the neighbouring two storey properties and it presents its gable end to Main Street. Its greater height and large gable end elevation facing onto Main Street creates a more bulky and prominent dwelling than adjacent buildings, which are both lower and have their pitched roofs sloping away from the highway. As such, No 31 appears disproportionately tall and it is a discordant feature that does not relate well to the surrounding built environment. By virtue of its excess height, orientation to the highway and forward protrusion of the building line, the development is visually obtrusive and dominates the street scene. It does not contribute positively to local distinctiveness or sense of place. The development is a tall, bulky and visually dominant form of development which fails to integrate with the surrounding properties on Main Street.
8. My attention has been drawn to 11 Main Street. Full details have not been provided, but I understand that it has been altered including the raising of the roof and the introduction of a rear dormer, among other things. Even so, No 11 appears to have a lower ridge height than the appeal building and it faces squarely onto the street with its gable ends to the side elevations. It is not therefore directly comparable to the excessively tall and large front gable end elevation of the appeal property and it does not provide a justification for it.
9. The previous planning permission appears to have been implemented and it is therefore a fallback position if the appeal should fail. The previously approved scheme would be in keeping with the scale of neighbouring properties and it would not dominate the street scene. Consequently, as it would not be similarly or more harmful than the appeal scheme, it does not provide a justification for it and it does not weigh in favour of the appeal.
10. Given the above, I find that the development harms the character and appearance of the area and thereby the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal. The National Planning Policy Framework (the Framework) advises that when considering the effect of development on the significance of a designated heritage asset, great weight should be given to their conservation. In terms of the Framework the harm I have identified would be less than substantial. Under such circumstances, paragraph 208 of the Framework states that this harm should be weighed against the public benefits of the scheme.
11. There will have been jobs generated during the construction period and future occupiers would use local shops and services whilst generating Council tax

receipts. Future occupiers would also be likely to contribute to the vitality of the local community. The social and economic benefits are factors that weigh to a positive, but limited degree in the scheme's favour. One new dwelling would make a limited contribution to the supply of housing, even taking into account the Government's objective of significantly boosting the supply of housing. The reuse of a brownfield site would be a limited benefit. Compliance with building regulations would not be a public benefit. Access to public transport would be a limited benefit, taking into account local and national policies in relation to the location of new housing. Collectively, these limited benefits are not sufficient to outweigh the harm that I have found.

12. Given the above, I conclude that on balance, the appeal scheme fails to preserve or enhance the character or appearance of the CA. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policies ENV1, ENV3 and A1 of the East Riding Local Plan Strategy Document 2016 (ERLP). Among other things, these policies require development to have regard to the specific characteristics of the site and its surroundings, and to be of an appropriate scale, density, massing and height. They also require that development should conserve and protect those elements which contribute the significance, character, appearance and context of heritage assets, amongst other things. As a result, the proposal would not be in accordance with the development plan.

Flood risk

13. The appeal site is located within Flood Zone 3a. This land is considered to have a high probability of flooding. The River Hull is located to the west of Tickton, with the Holderness Drain to its east. The Turf Gutter flows to the north, west and south of the village. The appellant has provided a Flood Risk Assessment (FRA). The FRA identifies that there are flood defences located along the River Hull and the Holderness Drain, which offer a standard of protection of between 20 to 50 years. The Council consider that the most significant risk to the appeal site is through fluvial flooding.
14. The FRA has applied the Sequential Test as set out by the Framework, which seeks to steer new development to areas with the lowest risk of flooding from any source. In selecting a search radius, the FRA utilises the Beverley Rural ward based on the scale of the development and rural location. This assessment identified two sites, neither of which were available due to being under construction or fully complete.
15. However, the SPD advises that the search area should be the relevant Housing Market Area (HMA), which in this case would be the Beverley HMA. If the Sequential Test was applied to this larger area, then there would be a lower risk zone where new dwellings could be located with a reduced risk of flooding. As such, the appeal scheme fails the Sequential Test and hence the Exception Test.
16. That being said, the SPD acknowledges that material considerations may outweigh the conflict with flood risk policy. When planning permission was granted for a similar development in 2016, the appeal site was not located in a flood risk area. While the appeal scheme is not in accordance with the approved plans, nevertheless, I understand that the permission was implemented and is a material consideration. In this regard, I find that the

difference in footprint of the appeal building and its effect upon the risk of flooding would be negligible compared to the approved scheme.

17. Furthermore, the FRA further suggests flood mitigation measures to manage and mitigate flood risk, including temporary resistance measures such as manually installed barriers, or passive measures such as flood doors to the front and rear of the dwelling. Flood warning alerts are also available from the Environment Agency in this location. These measures could be secured by the imposition of planning conditions.
18. Therefore, I conclude that the proposal would fail the Sequential and Exception Tests and as such would conflict with Policy ENV6 of the ERLP. This policy seeks to manage flood risk to ensure that development does not result in unacceptable consequences to its users. However, there are material considerations, including the earlier permission and the proposed flood risk mitigation measures, that would outweigh the conflict.

Living conditions

19. The appeal dwelling is separated from the neighbouring property of No 27 by the driveways of both properties. In addition, a tall fence is located along the boundary. The appeal building is located closer to the boundary, is a taller structure but does not protrude further to the rear than the previously approved scheme.
20. Whilst being taller and closer to No 27 than the permitted scheme, nevertheless there is a reasonable degree of separation between the appeal building and the rear windows of the neighbouring property. The tall boundary fence would screen the ground floor and mitigate the visual impact of the two-storey brick elevation of the appeal building. I find that the appeal scheme would not result in a poor outlook from the neighbouring property and it would not be detrimental to the living conditions of the neighbouring residential occupiers.
21. Therefore, I conclude that the appeal scheme would not harm the living conditions of the neighbouring occupiers of 27 Main Street with particular regard to outlook. It would comply with the residential amenity aims of Policy ENV1 of the ERLP and the Framework.

Planning Balance

22. I have considered the public benefits of the scheme earlier in my decision. As described above, the benefits associated with a single dwelling would be limited, even when considering the objective of significantly boosting the supply of housing in the Framework. The Framework also notes the value of using suitable brownfield land and for development to be located close to high quality public transport.
23. I have found that the proposal would not harm residential amenity. There would be conflict with the Council's flood risk policies but, taking into account the previous permission and the mitigation measures, this is a matter that attracts neutral weight in the balance. However, the harm to the designated heritage asset and the consequent policy conflict is a matter that weighs to a significant degree against the scheme.

Conclusion

24. For the reasons given above, I conclude that the development conflicts with the development plan and there are no material considerations that outweigh this conflict. Therefore, I conclude that the appeal is dismissed.

J Smith

INSPECTOR