

Appeal Decision

Site visit made on 27 December 2024

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/E2001/D/24/3352887

The Olives, Out Newton Road, Holmpton, East Yorkshire HU19 2RD

- 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 P Hodgson against the decision of East Riding of Yorkshire Council.
 - The application is reference No. 24/01514/PLF.
 - The development proposed is the erection of a domestic workshop/garage/storage building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework, published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.
3. The local planning authority (LPA) has referred to the draft East Riding of Yorkshire Local Plan Update 2020-2039. However, as this has not been adopted, I can afford it only limited weight in the decision-making process.

Main Issues

4. The main issues are i) whether the proposal would preserve or enhance the character or appearance of the Holmpton Conservation Area 1991 (CA) and ii) the effect of the development upon protected trees.

Reasons

Effect upon the CA

5. The CA is characterised by its woodland cover, amongst which are scattered houses constructed with different external materials. Overall, there is a feeling of very little enclosure amongst what often appears to be sporadic development and where there is an important interaction between the natural and built environments. The host property is one of several modern, detached dwellings set

back from the road and with visible and spacious surrounding grounds with an absence of dominant or significant boundary treatments. Collectively, these attributes add positively and distinctively to the significance of the CA as a whole.

6. The garage would be forward of the host dwellinghouse, but it would nonetheless be in line with the dwellinghouses along the rest of this side of the road. Moreover, the proposed building would not abut the boundary with the main road. It would be positioned to the side of the host dwellinghouse and so a sense of openness to the front of the appeal property would still be retained. In addition to the above, the proposed external materials would match those of the host property and so it would assimilate well within the street-scene.
7. Overall, I find that the proposal would preserve the character and appearance of the CA. It would be reflective of what is sporadic development in the CA as a whole, and given its position, height and massing, I do not find that it would cause harm to the street-scene or CA in design terms.
8. Therefore, I conclude that the proposed development would accord with the design and conservation requirements of policies ENV1 and ENV3 of the East Riding of Yorkshire Local Plan Strategy Document 2016 (ERLP SD), Sections C1 and C2 of the National Design Guide, and chapter 16 of the Framework.

Protected trees

9. Trees within Conservation Areas over a certain size are protected. There is no evidence that the trees are not protected. There are two trees on the appeal site, one of which is proposed for removal to accommodate the proposed development. The other would remain.
10. I have no assessment before me concerning the impact of the proposed development in terms of the trees. Such an assessment would relate to both the quality and longevity of the trees on the site and their contribution to the visual amenity of the area. Importantly, such an assessment would also include whether the tree to be retained would be harmed because of the proposed development.
11. For the above reasons, I am not able to conclude that the proposed development would accord with policies ENV2 of the ERLP SD, or with the Framework, which aims to retain and protect important trees in CA's.

Conclusion

12. While the proposed development would preserve the character and appearance of the CA, I have been unable to conclude that it would be acceptable in terms of the loss of and protection of protected trees. This is a matter that goes to the heart of the acceptability of the principle of the development and hence the imposition of a planning condition would not be an option in this case. This is a matter of overriding concern and is not outweighed by any other material planning considerations. Therefore, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR