

Appeal Decision

Site visit made on 28 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/24/3348175

25 On Hill, Swanland, East Riding of Yorkshire HU14 3NQ

- 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 Mrs Melanie Amaira-Arnett against the decision of East Riding of Yorkshire Council.
 - The application reference is 24/00579/PLF.
 - The development proposed is the retention of automatic double swing gates and side screens to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made retrospectively for development already constructed.
3. 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.
4. The local planning authority (LPA) has referred to the draft East Riding of Yorkshire Local Plan Update 2020-2039 (LP). However, as this has not been adopted, I can afford it only limited weight in the decision-making process.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

6. The appeal property is a recently constructed, detached dwelling at the head of a cul-de-sac with amenity space around it including such space which extends to

the roadway. There is a footpath link down its side leading from the cul-de-sac to Main Street.

7. The property forms part of an attractive development of detached houses and where their amenity spaces adjoining the road are either mainly open plan or in some cases include clipped hedging and other soft vegetation. There is an absence of gates across driveways, and which creates a feeling of spaciousness and openness. There is one exception to a dwelling with such a gate, though the LPA states that it has no lawful planning approval. It is currently the subject of its own appeal.
8. Overall, there is a pleasing consistency of design which adds distinctively and positively to the character and appearance of the area.
9. The gates are approximately 2 meters high and consist of dark coloured, horizontal aluminium panels fitted very closely together. They provide two swing doors to permit vehicular access, with a further two-metre-high panel to either side.
10. By their height, colour, design, extent and position immediately abutting the road, I find that the gates and panels are an incongruous and intrusive feature which significantly and adversely affects the character and appearance of the area as described above.
11. Therefore, I conclude that the development does not accord with the design, character and appearance requirements of policy ENV1 of the LP, and chapter 12 of the Framework which also stresses the importance of, and need for, good design.

Other Matters

12. I have considered the concerns of the appellant regarding security and overlooking by persons using the adjoining footpath link. However, I have no details before me relating to the extent of any actual security breaches, nor do I have any evidence which demonstrates that other security measures, apart from the use of CCTV as mentioned by the appellant, have been fully considered. These issues reduce the weight that can be afforded to this matter.
13. Neither do I consider that the degree of overlooking is materially different to other householders in the immediate area. In any event, the boundary with the footpath is marked by a fence with laurel hedging on its inside and which adds to privacy.
14. I appreciate that the appeal property, being at the head of the cul-de-sac, may not be as visually prominent as other properties. However, it still forms part of the overall landscape design of the housing development, and it is also seen by adjoining occupiers and by those pedestrians using the footpath link to Main Street. Therefore, I can only afford minimal weight to its position in the cul-de-sac in this regard in the decision-making process.
15. I have also considered that the colour of the gates is reflective of some of the colours used in the host property, though this is insufficient a reason to overcome the overall adverse impact of the gates.

16. It is argued that the presence of the gates aids highway safety in that, by the requirement to first open them, this gives 'prior notice' to pedestrians. However, without the gates and screens, the general openness of the garden area would allow pedestrians a comparable period of warning.
17. The gates include a light fixed to them and it is asserted that this helps to illuminate the area immediately outside the property including the footpath to Main Street. I appreciate that that may be the case, but the light, by its size and its one-dimensional direction would give only a limited advantage.
18. It is suggested that the presence of gates means that drivers are less likely to drive onto and over the garden to either side of the driveway to the house. However, in my judgement, the driveway presents no abnormal manoeuvring difficulties.
19. The appellant has referred to other gates elsewhere in the wider area, especially though not exclusively, at No. 3 Woodgates Mount. However, that particular property is at some considerable distance from the current appeal property on a completely different site, and where its character and appearance is not the same, incorporating as it does, existing boundary walls and fencing. Reference is also made to gates at No. 13 On Hill, though this is subject to a separate appeal, yet to be determined. In any event, I have considered the appeal upon its own merits, and upon its impact upon the character and appearance of the area within which it is set.
20. These other matters, neither individually nor collectively, outweigh my conclusions upon the main issue

Conclusion

21. There are no material planning considerations that indicate that the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR