



Appeal Decisions

Site visit made on 3 December 2024

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal A: APP/E2001/W/24/3348285

Land North of Woodcock Road, Flamborough, East Riding Of Yorkshire YO15 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Valant Homes Ltd against the decision of East Riding of Yorkshire Council.
- The application Ref is 23/03666/STVAR.
- The application sought planning permission for erection of 52 dwellings and associated infrastructure without complying with conditions attached to planning permission Ref 22/02653/STPLF, dated 12 September 2023.
- The conditions in dispute are Nos 1, 2, 3 and 26 which state that:
No1 - "The development hereby permitted shall be carried out in accordance with the following approved plans:
1639-100 - Location Plan - received 10th October 2022
1639-101 Rev Q - Site Plan and Site Sections A-A, B-B and C-C - received 20th December 2022
1639-102 Rev I - Site Plan Phasing - received 10th October 2022
1639-103 Rev I - Site Plan Site Set Up Plan - received 10th October 2022
1639-104 - Existing Site Survey - received 10th October 2022
1639-105 Rev G - Elevation and Layout Plans House Types A/A, B/B, B & Single Garage Details- received 10th October 2022
1639-106 Rev G - Proposed Elevation and Layout Plans House Types C, D/D, D & Double Garage Details - received 10th October 2022
Garage Details - received 6th December 2022
16369-108 Rev J - Proposed Elevation and Layout Plans House Types K, M and J/J - received 6th December 2022
1639-109 Rev J - Proposed Elevation and Layout Plans House Types L, E/E and F/F - received 6th December 2022
1639-110 Rev H - Proposed Elevation and Layout Plans House Types G/H and J - received 10th October 2022
1639-111 Rev K - Proposed Elevation and Layout Plans House Types G/G, H/H and J - received 12th December 2022
1639-112 Rev H - Proposed Elevation and Layout Plans House Types G/H, J and K - received 1st October 2022
1639-113 Rev H - Proposed Elevation and Layout Plans House Types G/H, G/G and E/E - received 6th December 2022
1639-116 Rev E - Site Plan Turning Head - received 10th October 2022
1639-117 Rev A - Drainage Details (Vehicle Tracking) - received 10th October 2022
1639-121 Rev G - Site Section Plans E-E, F-F & G-G - Received 6th December 2022
1639-122 Rev E - Proposed Elevation and Layout Plans House Types G/H and M - received 6th December 2022
1639-123 Rev F - Proposed Site Plan Extract and Site Sections A-A, B-B, C-C, D-D, E-E and FF received 7th December 2022
1639-125 Rev D - Site Section Plan H-H and Streetscene View - received 6th December 2022
19420 CR-C-0103 Rev P5 - Proposed Manhole Schedule - received 24th January 2023
19420 DR-C-0100 Rev P12 - Proposed Section 104 Layout - received 24th January 2023
19420 DR-C-0101 Rev P2 - Proposed Catchment Area Plan - received 24th January 2023

19420 DR-C-0102 Rev P4 - Proposed Long Section through Adopted Sewers - received 24th January 2023

19420 DR-C-0107 Rev P2 - Proposed Headwall Detail - received 24th January 2023

19420 DR-C-0108 Rev P3 - Proposed Section 104 Flood Routing Plan - received 24th January 2023

No 2 - "Within six months of the date of this permission, the amendments proposed to Plots 5 - 15 of the development hereby approved shall be completed fully in accordance with approved drawing nos.1639-107 Rev K (Plot 5), 1639-109 Rev J (Plot 14), 1639-111 Rev K (Plots 6, 7 and 10), 1639-113 Rev H (Plots 8, 9, 11 and 12), 1639-122 Rev E (Plot 13) and 1639-108 Rev J (Plot 15). The details of the proposed roof tile to be used on these reconstructed dwellings shall be in accordance with details which shall have previously been agreed in writing with the Local Planning Authority within this six month period".

No 3 - "Plots 5 - 15 shall not be first occupied until the works outlined in the 'Method Statement' received 1st March 2023 have been fully completed".

No 26 - "In the event that the works hereby approved to Plots 5 - 15 are not completed within the agreed timeframe set out in Condition 2 above (or any other timeframe as agreed with the Local Planning Authority) any structures already constructed on these plots shall be demolished in their entirety and all materials shall be removed from the site".

- The reasons given for the conditions are:

No 1: "This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan".

No 2: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to secure the amendments proposed to these already constructed dwellings on the application site to achieve an acceptable relationship with the existing properties located on Woodcock Road".

No 3: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to secure completion of the required works in order to safeguard the relationship between these Plots and existing properties located on Woodcock Road".

No 26: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to safeguard the amenities of the residents on Woodcock Road in terms of overlooking and loss of privacy resulting from the scale and dominance of the properties as currently constructed on the application site".

Appeal B: APP/E2001/W/24/3348305

Land North of Woodcock Road, Flamborough, East Riding of Yorkshire YO15 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Valant Homes Ltd against the decision of East Riding of Yorkshire Council.
- The application Ref is 23/03695/STVAR
- The application sought planning permission for the erection of 52 dwellings and associated infrastructure without complying with conditions attached to planning permission Ref 22/02653/STPLF, dated 12 September 2023.
- The conditions in dispute are Nos 1, 2, 3 and 26 which state that:
 - No1 - "The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1639-100 - Location Plan - received 10th October 2022
 - 1639-101 Rev Q - Site Plan and Site Sections A-A, B-B and C-C - received 20th December 2022
 - 1639-102 Rev I - Site Plan Phasing - received 10th October 2022
 - 1639-103 Rev I - Site Plan Site Set Up Plan - received 10th October 2022
 - 1639-104 - Existing Site Survey - received 10th October 2022
 - 1639-105 Rev G - Elevation and Layout Plans House Types A/A, B/B, B & Single Garage Details- received 10th October 2022
 - 1639-106 Rev G - Proposed Elevation and Layout Plans House Types C, D/D, D & Double Garage Details - received 10th October 2022
 - Garage Details - received 6th December 2022
 - 16369-108 Rev J - Proposed Elevation and Layout Plans House Types K, M and J/J - received 6th December 2022

1639-109 Rev J - Proposed Elevation and Layout Plans House Types L, E/E and F/F - received 6th December 2022

1639-110 Rev H - Proposed Elevation and Layout Plans House Types G/H and J - received 10th October 2022

1639-111 Rev K - Proposed Elevation and Layout Plans House Types G/G, H/H and J - received 12th December 2022

1639-112 Rev H - Proposed Elevation and Layout Plans House Types G/H, J and K - received 1st October 2022

1639-113 Rev H - Proposed Elevation and Layout Plans House Types G/H, G/G and E/E - received 6th December 2022

1639-116 Rev E - Site Plan Turning Head - received 10th October 2022

1639-117 Rev A - Drainage Details (Vehicle Tracking) - received 10th October 2022

1639-121 Rev G - Site Section Plans E-E, F-F & G-G - Received 6th December 2022

1639-122 Rev E - Proposed Elevation and Layout Plans House Types G/H and M - received 6th December 2022

1639-123 Rev F - Proposed Site Plan Extract and Site Sections A-A, B-B, C-C, D-D, E-E and FF - received 7th December 2022

1639-125 Rev D - Site Section Plan H-H and Streetscene View - received 6th December 2022

19420 CR-C-0103 Rev P5 - Proposed Manhole Schedule - received 24th January 2023

19420 DR-C-0100 Rev P12 - Proposed Section 104 Layout - received 24th January 2023

19420 DR-C-0101 Rev P2 - Proposed Catchment Area Plan - received 24th January 2023

19420 DR-C-0102 Rev P4 - Proposed Long Section through Adopted Sewers - received 24th January 2023

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19420 DR-C-0108 Rev P3 - Proposed Section 104 Flood Routing Plan - received 24th January 2023

No 2 - "Within six months of the date of this permission, the amendments proposed to Plots 5 - 15 of the development hereby approved shall be completed fully in accordance with approved drawing nos.1639-107 Rev K (Plot 5), 1639-109 Rev J (Plot 14), 1639-111 Rev K (Plots 6, 7 and 10), 1639-113 Rev H (Plots 8, 9, 11 and 12), 1639-122 Rev E (Plot 13) and 1639-108 Rev J (Plot 15). The details of the proposed roof tile to be used on these reconstructed dwellings shall be in accordance with details which shall have previously been agreed in writing with the Local Planning Authority within this six month period".

No 3 - "Plots 5 - 15 shall not be first occupied until the works outlined in the 'Method Statement' received 1st March 2023 have been fully completed".

No 26 - "In the event that the works hereby approved to Plots 5 - 15 are not completed within the agreed timeframe set out in Condition 2 above (or any other timeframe as agreed with the Local Planning Authority) any structures already constructed on these plots shall be demolished in their entirety and all materials shall be removed from the site".

- The reasons given for the conditions are:

No 1: "This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan".

No 2: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to secure the amendments proposed to these already constructed dwellings on the application site to achieve an acceptable relationship with the existing properties located on Woodcock Road".

No 3: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to secure completion of the required works in order to safeguard the relationship between these Plots and existing properties located on Woodcock Road".

No 26: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to safeguard the amenities of the residents on Woodcock Road in terms of overlooking and loss of privacy resulting from the scale and dominance of the properties as currently constructed on the application site".

Appeal C: APP/E2001/W/24/3353742

Land North of Woodcock Road, Flamborough YO15 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the

development of land without complying with conditions subject to which a previous planning permission was granted.

- The appeal is made by Valant Homes Ltd against the decision of East Riding of Yorkshire Council.
- The application Ref is 23/30354/CONDET
- The application sought planning permission for the erection of 52 dwellings and associated infrastructure without complying with conditions attached to planning permission Ref 22/02653/STPLF, dated 12 September 2023.
- The conditions in dispute are Nos 2 and 27 which state that:
No 2 - "Within six months of the date of this permission, the amendments proposed to Plots 5 - 15 of the development hereby approved shall be completed fully in accordance with approved drawing nos.1639-107 Rev K (Plot 5), 1639-109 Rev J (Plot 14), 1639-111 Rev K (Plots 6, 7 and 10), 1639-113 Rev H (Plots 8, 9, 11 and 12), 1639-122 Rev E (Plot 13) and 1639-108 Rev J (Plot 15). The details of the proposed roof tile to be used on these reconstructed dwellings shall be in accordance with details which shall have previously been agreed in writing with the Local Planning Authority within this six month period".
No 27 - "Within 6 months of the date of this permission Plots 1-4 shall be re-roofed with roof tiles which shall have previously been agreed in writing by the Local planning Authority within this 6 month period".
- The reasons given for the conditions are:
No 2: "This condition is imposed in accordance with Policy ENV1 of the East Riding Local Plan and in order to secure the amendments proposed to these already constructed dwellings on the application site to achieve an acceptable relationship with the existing properties located on Woodcock Road".
No 27: "This condition is imposed in order to ensure that the development reflects the character of appearance of the surrounding area in accordance with Policy ENV1".

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of 52 dwellings and associated infrastructure at land North of Woodcock Road, Flamborough, YO15 1LJ in accordance with the terms of the application Ref 23/03666/STVAR, without compliance with conditions 1, 2, 3 and 26 previously imposed on planning permission 22/02653/STPLF dated 12 September 2023 and subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of 52 dwellings and associated infrastructure at land North of Woodcock Road, Flamborough, YO15 1LJ in accordance with the terms of the application Ref 23/03695/STVAR, without compliance with conditions 1, 2, 3 and 26 previously imposed on planning permission 22/02653/STPLF dated 12 September 2023 and subject to the conditions in the attached schedule.

Appeal C

3. The appeal is allowed and planning permission is granted for erection of 52 dwellings and associated infrastructure at land North of Woodcock Road, Flamborough, YO15 1LJ in accordance with the terms of the application Ref 23/30354/CONDET, without compliance with conditions 2 and 27 previously imposed on planning permission 22/02653/STPLF dated 12 September 2023 and subject to the conditions in the attached schedule.

Applications for costs

4. Applications for costs were made by the appellant against East Riding of Yorkshire Council in relation to appeal cases A and B. These applications are the subject of a separate decision.

Preliminary Matters

5. As set out above there are three appeals on this site. For ease of reference, I refer to the different cases as Appeals, A, B and C in this Decision Letter as set out in the banner heading. Appeal A only relates to plots 5, 8 and 9. Appeal B also applies to plots 5, 8 and 9 but additionally to plots 6, 7, 10, 11 and 12. As the proposals relating to plots 5, 8 and 9 are the same, my assessment is the same. In order to avoid duplication, I have dealt with Appeals A and B together where they relate to plots 5, 8 and 9.
6. Appeal C relates to the tile materials. The appeals for both proposals were submitted at a similar time and relate to the same site. I have considered each proposal on its own merits.
7. The planning committee refused all three separate planning applications. Appeals A and B were refused contrary to officer recommendation.
8. There was a previous appeal decision¹ (the previous appeal), which in accordance with case law is a material consideration as it is necessary to have consistency in decision making.
9. The National Planning Policy Framework (the Framework) was revised in December 2024. The 2024 revisions do not have any relevance to this appeal, and I have therefore not consulted the parties on this change. I have had regard to the current Framework in my determination of this appeal.

Background

10. The appeal site is located to the north of Woodcock Road on the edge of the village of Flamborough. The site adjoins the rear boundaries of the existing dwellings on Woodcock Road. These properties are a mix of detached and semi-detached dwellings of both single and two storeys. The houses have a variety of single storey rear extensions.
11. Permission was granted in outline in 2017 for residential development, under LPA Ref. 16/03307/OUT. In 2021 a reserved matters planning permission, for 52 dwellings (including 10 affordable dwellings) and associated infrastructure was approved subject to conditions and a planning obligation under LPA Ref. 19/04297/REM (reserved matters consent).
12. To date plots 1-12, 31-33 and 47-52 are fully built out. Plots 1-3 are occupied. The height of plots 5-15 have been built higher than consented for a number of reasons. In 2023 the appellant sought through section 73 of the Town and Country Planning Act 1990, (LPA Ref. 21/02387/VAR) to change some of the layout, materials, house types, proposed ground/finished floor levels and ridge heights of the plots from those shown on the reserved matters drawing. The Council refused

¹ APP/E2001/W/23/3315093

the proposed changes to the house types of plots 5, 8, 9, 13 and 14, which were subject to the previous appeal.

13. The Inspector's decision on the previous appeal states that while the Council noted a variety of issues with the proposed development changes, it was the specific changes to plots 5, 8, 9, 13 and 14 which were identified in the reasons for refusal. The Council raised these plot changes as causing an overdominance, overlooking and would have an overbearing effect on the residents of the neighbouring properties on Woodcock Road. The Inspector concluded that the proposed changes to plots 13 and 14 would harm the neighbouring residents' outlook. However, the Inspector concluded that there would be little change to effects of overlooking and privacy from the built scheme than that provided by the approved scheme.
14. During the determination of the previous appeal the Council granted permission for a revised scheme under LPA Ref. 22/02653/STPLF which required the reduction in ridge height of the dwellings along the southern boundary, specifically plots 5-15 inclusive. Condition 1 of this permission referred to revised plans, which would have reduced the height of the houses. Condition 2 required that the amendments to plots 5-15 shall be completed fully in accordance with approved drawings. Condition 2 also required the details of the proposed roof tile to be used on these reconstructed dwellings to be agreed in writing by the Local Planning Authority within a six-month period. Condition 3 required that plots 5-15 shall not be occupied until the works set out in the 'Method Statement' received by the Council on 1 March 2023 have been fully completed. Condition 26 required the demolition of any structures already constructed on these plots if the works approved to plots 5-15 are not completed within the agreed timescales set out in condition 2. Condition 27 requires that within 6 months plots 1-4 shall be re-roofed with roof tiles which shall be agreed in writing by the Local Planning Authority.

Main Issues

15. Therefore, the main issues for Appeals A and B are the effect of varying the conditions on the living conditions of the occupiers of neighbouring properties on Woodstock Road regarding privacy, outlook and daylight. The main issue for Appeal C is the effect of the proposed roof materials on the character and appearance of the area.

Reasons

Appeals A and B – living conditions

16. The appellant is seeking under appeals A and B to vary conditions 1, 2, 3 and 26 of the revised scheme. Appeal A would allow plots 5, 8 and 9 to be retained as built. Appeal B includes plots 5, 8 and 9 but would also allow plots 6, 7, 10-15 to be retained as built as per the reserved matters consent.
17. Condition 1 requires the development to be carried out in accordance with the approved plans, which would reduce the ridge height of plots 5-15. Conditions 2, 3 and 26 relate to compliance with these plans and therefore are not necessary should condition 1 no longer be required.
18. In order to consider the effects of the scheme as built, I have viewed properties on Woodcock Road from the gardens and first floors of the built plots. I have viewed

the plots from the rear gardens of a number of neighbouring properties on Woodcock Road at the request of the Residents Association. Furthermore, I have also viewed the site from the first-floor bedroom window of 15 Woodcock Road.

19. Woodcock Road comprises a mix of single and two storey dwellings, many of which have single storey rear extensions. The dwellings have rear gardens and would be separated from the appeal site by 1.8m timber fencing with 0.3m timber trellis above. I noted on my site visit that some of the residents along Woodcock Road have added height to their boundary treatments.
20. Plot 5 has been built 0.88m higher than the reserved matters consent. It faces directly onto 15 Woodcock Road, which is a two-storey property, at a distance of approximately 21m between first floor windows. The single storey garage element of the house on this plot also adjoins the boundary of 14 Woodcock Road, a bungalow, and has a similar separation distance. The fence has been erected between the properties, however the resident of 15 Woodcock Road has added additional height to their rear boundary. I observed that the boundary treatment at present screens the ground floor of the new house at plot 5 from view. Despite this boundary treatment, all of the first-floor windows can be seen from the rear garden of 15 Woodcock Road. When viewed from the rear bedroom, the ground floor windows of the house on plot 5 and the top section of the patio doors are also visible.
21. The new houses on plots 8 and 9 are 0.59m higher than consented and have a separation distance greater than 20m from Nos 11 and 12 Woodcock Road, which are semi-detached bungalows. Like plot 5, the first-floor windows of the new dwellings are clearly visible when viewed from the rear gardens of neighbouring properties on Woodcock Road. As plot 9 is located at an angle to the adjoining properties on Woodcock Road the Council do not consider that there would be unacceptable harm to the living conditions of neighbouring occupants. Based on my observations, I have no reason to disagree with this conclusion.
22. The Council's Design Guidance, 'Design Guide for Home Extensions' although informal guidance only, states that the Council will normally seek a minimum rear to rear window separation of 20m to avoid privacy problems. However, the guidance does not consider different ground levels or relationships between different types of properties.
23. The installed fencing, along with the separation distances, allows limited visibility between the properties on Woodcock Road and the ground floor levels of the houses on plots 5, 8 and 9. Therefore the main effects to privacy are from the first-floor windows. Despite the increased ridge height there would be minimal change to the location of the windows to that which has been permitted under the reserved matters consent. Views outward from the bedrooms of the new dwellings would not change. Therefore, in my view, the separation distances between the first-floor windows of the new dwellings on plots 5, 8 and 9 are sufficient to ensure that there is no loss of privacy to the occupiers of neighbouring residents on Woodcock Road.
24. The new house on plot 5, has created additional roof space and includes another rear rooflight. As built, the rear rooflights are at a higher level than that of the reserved matters consent. However, as these rooflights are high in the roofline and

angled they would provide minimal outlook from the new house and therefore have limited impact on the privacy of neighbouring residents.

25. When viewed from the rear gardens of the dwellings along Woodcock Road, particularly no 15, plot 5 has a very prominent appearance. Despite the increased ridge height of this new house there would be minimal increase to the eaves height and window levels. Even if the ridge height were to be lowered, the proximity of the first-floor elevations and window positioning would be broadly the same as the reserved matters consent.
26. The increased ridge height of the new dwellings on plots 5, 8 and 9 compared with the reserved matters consent, inevitably adds to their overall mass and bulk. However, as the roof of the new houses run away from the dwellings on Woodcock Road the overall impact is lessened, which prevents an increased sense of enclosure.
27. The houses on plots 5, 8 and 9 are located to the north of the existing properties. Therefore, in combination with the separation distances between the properties, the increased roof ridge heights would have minimal impact on the neighbouring occupants of Woodcock Road in relation to daylight.
28. In conclusion, the built homes in plots 5, 8 and 9 do not cause harm to the living conditions of the occupiers of neighbouring properties on Woodcock Road, regarding privacy, outlook and daylight, to the extent that would justify withholding permission and their subsequent retention. Hence, the scheme in Appeal A does not conflict with policy ENV1 of the LP, which seeks amongst other things to ensure that development has regard to the amenity of existing or proposed properties.

Appeal B – living conditions

29. The appellant is seeking through Appeal B to vary conditions 1, 2, 3 and 26 of the revised scheme. Appeal B includes plots 5, 8 and 9 but would also allow plots 6, 7, 10, 11 and 12 to be retained as built.
30. The appellant has submitted a drawing as appendix 6 of the appeal statement, which illustrates the difference in heights as built compared with the 2019 reserved matters consent and the 2023 revised scheme. The Council have not disputed these figures provided by the appellant and therefore I have no reason to disagree with them.
31. The houses on plots 6 and 7 are located approximately 10m from the boundary fence with more than 20m separation distance between them and the bungalow at 14 Woodcock Road. The ridge heights of the dwellings are 0.58m higher than consented.
32. Plot 10 is between 10m and 11.6m from the boundary fence with a total separation distance of between 18.8m and 24.3m from the bungalows at 11 and 12 Woodcock Road. The height of the dwelling as built is 0.51m higher than consented under reserved matters. Although the houses on plots 11 and 12 are closer to the boundary fence than other plots they are at an offset angle to 10 and 11 Woodcock Road, which have rear gardens of approximately 10m in length. Both of these plots are built 0.60m higher than consented.
33. The footprints of plots 6, 7, 10, 11 and 12 are broadly the same as the reserved matters consent, as are the separation distances between properties. New rear

rooflights have been inserted into plots 6, 7, and 10, however, due to the angle and height of the rooflights there would be limited overlooking from these openings.

34. Although there is a marginal increase in the height of the window levels as built, views looking outwards from within the new houses on these plots would be similar to that of the reserved matters consent. This, along with the separation distances between the properties and the boundary treatment would, in my view, result in little change to overlooking and loss of privacy to the occupiers of neighbouring residents on Woodcock Road
35. The increased ridge heights of plots 6, 7, 10, 11 and 12 inevitably adds to their overall mass and bulk. However, as the rooflines of the new houses run away from the houses on Woodcock Road their overall impact is lessened. Moreover, the houses on plots 10, 11 and 12 are set at an angle to Nos 12, 11 and 9 Woodcock Road, which would also reduce any increased sense of enclosure.
36. The new houses on plots 6, 7, 10, 11 and 12 are located to the north of the existing properties. Therefore, in combination with the separation distances between the properties, the increased roof ridge heights would have minimal impact on the neighbouring occupants of Woodcock Road in relation to daylight.
37. In conclusion, the as built homes on plots 6, 7, 10, 11 and 12 do not cause harm to the living conditions of the occupiers of neighbouring properties on Woodcock Road, regarding privacy, outlook and daylight to the extent that would justify withholding permission and their subsequent retention. Hence, the scheme at Appeal B does not conflict with policy ENV1 of the LP, which seeks amongst other things to ensure that development has regard to the amenity of existing or proposed properties

Appeal C – character and appearance

38. The application originally sought to approve the details required by conditions 19 and 21 of the permission, pertaining to landscaping and play equipment, however reference to these conditions has been omitted from the application before the application was refused.
39. The appellant seeks the variation of conditions to allow the retention of grey roof tiles on plots 1-4. Drawing number 1639-115 Rev J shows that plots 1 and 2 would have anthracite grey roof tiles and plots 3 and 4 would have onyx black roof tiles. In addition, the proposal seeks the use of similar grey tiles on plots 5-15.
40. The Council contends that the use of grey coloured roof tiles would fail to reflect the extensive use of red tiles on the northern side of Woodcock Road. I noted that to the south of the appeal site Woodcock Road is brick built with red roof tiles, albeit weathering has made some of them look darker. Further along this road there are examples of grey roof tiles. There are also examples of grey tiles on some of the properties on the adjoining Craikewells Road. Although there is extensive use of red tiles on the northern side of Woodcock Road there are a number of examples in the village of the use of grey tiles.
41. The use of grey roof tiles was shown on drawing references 1592-102 Rev C, 1592-103 Rev A, 1592-104 Rev A, 1592-105 Rev A, 1592-106 Rev A and 1592-107 Rev A for the 2019 reserved matters application. However, I note that

approval under 22/02653/STPLF was only considered by the Council to be acceptable with the imposition of the disputed conditions 2 and 27.

42. The houses at plots 1 and 2 round the corner as you enter the appeal site and are set back from the main road and so are not particularly prominent when viewed from Woodcock Road. The roofs of plots 3-15 are glimpsed between some of the dwellings along Woodcock Road. Views of the roofs of the new dwellings are particularly visible between the bungalows, however this is partially interrupted by their tall red brick chimney stacks. The buff brick colour of these properties already contrasts with the red brick of the dwellings along Woodcock Road and therefore the new dwellings are noticeably different in appearance. This would still be the case if red roof tiles as suggested by the Council were utilised. Therefore, I do not consider that the use of grey tiles on plots 1-15 would cause unacceptable harm to the character and appearance of the surrounding area.
43. The proposal therefore complies with policy ENV1 which amongst other things seeks to ensure that new development achieves a high quality of design that optimises the potential of the site and contributes to a sense of place.

Other Matters

44. It is unfortunate that works have taken place which are not in accordance with the approved plans. The Officer Report recommended approval of two of the applications and the Committee disagreed with this following a site visit. Whilst the Committee members were entitled to reach their judgement, in my view the minor increase to the height of the new houses would not cause harm to the living conditions of neighbouring residents.
45. The Council concluded that the required developer contributions could be achieved through the Section 73 clause in the legal agreement associated with the 2022 approval and I see no reason to reach a different conclusion.

Conditions

46. By allowing these appeals new planning permissions are granted. The national Planning Practice Guidance advises that, for clarity, decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect unless they have already been discharged.
47. The Council has provided a list of separate conditions for Appeals A and B and reasons given, which reflect subsequent discharges of conditions. In order to avoid duplication, conditions 1 to 21 apply to all three appeals. I have separated any additional conditions which apply to each specific appeal into separate schedules.

Conditions for all appeals

48. As the development has commenced it would not be necessary to impose a commencement of development condition. I have imposed a condition relating to approved plans for the avoidance of doubt (1).
49. A condition is necessary to ensure that the development provides timescales for the implementation of approved details to ensure that the development provides appropriate foul and surface water drainage for the site (2).

50. Conditions are required for the service road, vehicular access and the withdrawal of permitted development rights to ensure no means of enclosure over the service strip, temporary vehicle parking, loading, off-loading and manoeuvring wheel washing facilities to ensure highway safety for occupiers and users (3, 4, 5, and 6).
51. The removal of permitted development rights on plots 1-14 is required to prevent the insertion of new windows and protect the residential amenity of neighbouring residents (7).
52. Conditions are required for delivery hours, siting of external plant and hours of operation and details of construction practice to protect the amenities of neighbouring residents (8, 9, 10, and 11)
53. In order to protect the environment, conditions are necessary requiring development to be carried out in accordance with the approved Engineering and Environmental Assessment and Remediation Strategy documents and requiring the investigation and remediation of any contamination that may be encountered during construction is required to ensure risks are minimised and that development is carried out safely (12, 13, and 14).
54. In order to protect the character and appearance of the area and the living conditions of existing and future residents I have imposed conditions requiring the submission of landscaping scheme, finished surface materials of the public right of way, full details of the play equipment to be installed and a timescale for implementation (15, 16, 17, and 18).
55. In order to protect the living conditions of neighbouring residents a condition is required for the use of obscure glazing on plot 15 (19) and the erection of a 1.8m brick wall/fence with 0.3m high trellis along the full length of the boundary of plots 1-15 (20).
56. A condition is required to ensure that development is carried out in accordance with approved ecological mitigation measure to protect local ecology (21).

Appeal A

57. As Appeal A only relates to plots 5, 8 and 9 a condition is required relating to approved plans and amendments to be made to plots 6, 7, 10, 11 and 12 for the avoidance of doubt (22, 23, 24, 25 and 26).

Appeal B

58. As Appeal B relates to plots 6, 7, 8, 10, 11 and 12 a condition is required in relation to approved plans (22) and materials (23) for the avoidance of doubt.

Appeal C

59. A separate condition is required in relation to the roof tiles of plots 5-15 (23) for the avoidance of doubt.

Conclusion

60. For the reasons given above I conclude that the appeals should succeed. I will grant new planning permissions for each appeal subject to conditions.

C Skelly INSPECTOR

SCHEDULE OF CONDITIONS-

Appeals A, B and C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1639-100 – Location Plan, received 10.10.2022
 - 1639-101 T – Proposed Site Plan, Streetscapes & Boundary Treatments, received 11.04.2024
 - 1639-102 J – Site Plan Phasing, received 30.11.2023
 - 1639-103 J – Site Plan Set-Up Plan, received 30.11.2023
 - 1639-105 G – Proposed Elevation & Layout Plans House Types A/A, B/B, B & Single Garage Details, received 10.10.2022
 - 1639-106 I – Proposed Elevation & Layout Plans House Types C, D/D, D & Double Garage Details, received 20.12.2023
 - 1639-107 L – Plots 5,49,50 – Proposed Elevations & Floor Plans House Types H/G, Lv & Double Garage (Plots 26,27,34,35), received 06.02.2024
 - 1639-108 J – Proposed Elevation & Layout Plans House Types K, M & J/J received 06.12.2022
 - 1639-109 J – Proposed Elevation & Layout Plans House Types L, E/E & F/F, received 06.12.2022
 - 1639-110 H – Proposed Elevation & Layout Plans House Types G/H & J, received 11.04.2024
 - 1639-111 K – Plots 6,7,10,34,35 – Proposed Elevations & Floor Plans House Types G/G, H/H & J, received 06.12.2022
 - 1639-112 H – Proposed Elevation & Layout Plans House Types G/H, J & K, received 01.10.2022
 - 1639-115 I – Site Plan – Material Schedule, received 10.10.2022
 - 1639-116 E – Site Plan Turning Head, received 10.10.2022
 - 1639-117 A – Drainage Details (Vehicle Tracking), received 10.10.2022
 - 1639-121 G – Site Sections Plans E-E, F-F & G-G, received 06.12.2022
 - 1639-122 F – Plots 3,4,11,12,13 - Proposed Elevations & Floor Plans House Types G/H, E/E & M, received 29.11.2023
 - 1639-123 F – Proposed Site Plan Extract & Site Sections A-A, B-B, C-C, D-D, E-E & F-F, received 04.04.2024
 - 1639-125 E – Streetscape & Section H-H, received 11.04.2024
 - 1639-126 A – Proposed Site Plan – Ecology, received 24.01.2023
 - 19420 DR-C-0100 P12 – Proposed Section 104 Layout, received 24.01.2023
 - 19420 DR-C-0101 P2 – Proposed Catchment Area Plan, received 24.01.2023
 - 19420 DR-C-0102 P4 – Proposed Long Section through Adopted 6 Sewers received 24.01.2023
 - 19420 DR-C-0103 P5 – Proposed Manhole Schedule, received 24.01.2023
 - 19420 DR-C-0107 P2 – Proposed Headwall Detail, received 24.01.2023
 - 19420 DR-C-0108 P3 – Proposed Section 104 Flood Routing Plan, received 24.01.2023.
- 2) Within one month of the date of this permission, details for the timescale of implementation for the approved foul and surface water drainage details to serve each of the dwellings hereby approved on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be fully implemented in accordance with the approved details (Drainage Consent

document, received 08.02.2022) and the agreed timescale of implementation. The surface water drainage system shall be managed and maintained in accordance with the approved details.

- 3) No dwelling on the site shall be occupied until that part of the service road which provides access to it has been constructed from the junction with the public highway in accordance with the approved plans.
- 4) No dwelling shall be occupied until the vehicular access has been provided and space has been laid out for motor cars to be parked in accordance with the details hereby approved.
- 5) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and subsequently re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected or constructed within any service strip so identified in the approved plans without the prior express written consent of the Local Planning Authority.
- 6) The temporary vehicle parking, loading, off-loading, manoeuvring wheel washing facilities shall continue to be provided in accordance with approved drawing nos. 1639-102 Rev A and 1639-103 Rev A (both received 24.01.2023). The approved vehicle parking, loading, off-loading, manoeuvring and wheel washing facilities shall be retained throughout the construction of the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Class A, B and C shall take place on any of the dwellinghouses located on Plots 1 – 14 hereby permitted without the grant of a separate planning permission from the Local Planning Authority.
- 8) Deliveries to and from the site and the loading or unloading of materials during the demolition/site clearance phase of the development shall be restricted to the following hours:
8am to 6pm Monday to Friday
8am to 1pm Saturday
Not at all on Sundays and Bank Holidays
- 9) The development shall take place in strict accordance with the details shown on drawing no.'s 1639-102 Rev A and 1639-103 Rev A (both received on 24.01.2023) in respect of the siting of the external plant on the site.
- 10) During the demolition/site clearance and construction phases of the development hereby permitted, operation shall be restricted to the following hours:
8am to 6pm Monday to Friday
8am to 1pm Saturday
Not at all on Sundays and Bank Holidays

- 11) The development shall take place in strict accordance with the details set out in the Statement of Construction Practise produced by Valant Homes Ltd. (received on 26.04.2021).
- 12) The development shall take place in strict accordance with the Phase 2 Engineering & Environmental Assessment, produced by CoDa Structures (received 28.06.2021).
- 13) The remediation measures identified in the Remediation Strategy (produced by CoDa Structures Consulting Civil & Structural Engineers and received 28.02.2023, report ref: 8032), shall be implemented within 3 months of the date of this permission. Following completion of these measures, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.
- 14) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 15) Within one month of the date of this planning permission, a scheme of landscaping for the whole site shall be submitted for approval in writing by the Local Planning Authority, including trees to be planted along the southern site boundary which shall comprise a mix of standard and heavy standard trees. Thereafter all soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
- 16) Within three months of the date of this permission, the finished surface materials of the Public Right of Way shall be submitted to and approved in writing by the Local Planning Authority. The public Footpath shall thereafter be constructed in accordance with the approved plans.
- 17) Notwithstanding the details shown on drawing no. 1639-101 Rev T

(received 11.04.2024), within six months of the date of this permission, full details of the play equipment to be installed within the allocated Play Space on the site, and a timescale for implementation and details of management shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and thereafter retained and maintained in accordance with the approved plans and details.

- 18) Within one month of the designated Play Space required by condition 20 of this permission being completed in accordance with the approved details, a 1.0m high metal fence shall be erected around the area and shall thereafter be retained and maintained. The fence shall not be removed or altered (unless on a like-for-like basis) without the prior express written consent of the Local Planning Authority.
- 19) The window openings to be created in the first floor of the southern elevation of the dwelling on plot 15 hereby approved shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level before the development hereby approved is first brought into use, and shall not thereafter be altered without the prior express written consent of the Local Planning Authority. (Replacement of the glass with glass of an identical type would not necessitate the Council being notified). The obscure glazing should be a minimum of Pilkington Privacy Level 3 or equivalent.
- 20) Within two months of the date of this permission, a 1.8m high brick wall/fence with 0.3m high trellis (2.1m in total) shall be erected along the full length of the southern site boundary for plots 1 – 15 inclusive. Thereafter, this boundary shall be retained and shall not be altered without the express written consent of the Local Planning Authority.
- 21) The development hereby permitted shall be carried out in strict accordance with the ecological mitigation measures outlined on drawing no. 1639-126 Rev A (received 24.01.2023).

Additional conditions for Appeal A

- 22) The development hereby permitted shall be carried out in accordance with the following approved plans:
- 1639-102 I – Site Plan Phasing, received 10.10.2022
 - 1639-103 I – Site Plan Set-Up Plan, received 10.10.2022
 - Types H/G, Lv & Double Garage (Plots 26,27,34,35), received 29.11.2023
 - 1639-111 J – Plots 6,7,10,34,35 – Proposed Elevations & Floor Plans
 - 1639-113 I – Plots 8,9,28,29 – Proposed Elevations & Floor Plans House Types H/G & G/G, received 29.11.2023
 - House Types G/G, H/H & J, received 06.12.2022
 - 1639-121 G – Site Sections Plans E-E, F-F & G-G, received 06.12.2022
 - 1639-122 F – Plots 3,4,11,12,13 - Proposed Elevations & Floor Plans House Types G/H, E/E & M, received 29.11.2023
 - 1639-123 F – Proposed Site Plan Extract & Site Sections A-A, B-B, C-C, D-D, E-E & F-F, received 07.12.2022

- 23) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in strict accordance with the details specified on drawing no. 1638-115 (received 10.10/2022) except for the roof tiles for plots 1-4 of the development hereby permitted.
- 24) Within six months of the date of this permission, the amendments proposed to Plots 6, 7, 10, 11 and 12 of the development hereby approved shall be completed fully in accordance with the approved drawings and shall thereafter be retained.
- 25) Plots 6, 7, 10, 11 and 12 shall not be first occupied until the works outlined in the 'Method Statement' (received 01.03.2023) have been fully completed.
- 26) In the event that the works hereby approved to plots 6, 7, 10, 11 and 12 are not completed within the agreed timeframe set out in Condition 2 of this permission (or any other timeframe as agreed in writing with the Local Planning Authority), any structures already constructed on these plots shall be demolished in their entirety and all materials shall be removed from the site.

Additional conditions for Appeal B

- 22) The development hereby permitted shall be carried out in accordance with the following approved plans:
1639-102 J – Proposed Site Plan Phasing, received 30.11.2023
1639-103 J – Proposed Site Plan Set-Up Plan, received 30.11.2023
Types H/G, Lv & Double Garage (Plots 26,27,34,35), received 06.02.2024
1639-111 K – Plots 6,7,10,34,35 – Proposed Elevations & Floor Plans House Types G/G, H/H & J, received 11.04.2024
1639-113 I – Plots 8,9,28,29 – Proposed Elevations & Floor Plans House Types H/G & G/G, received 06.02.2024
1639-121 H – Proposed Streetscapes E, F & G, received 30.11.2023
1639-122 G – Plots 3,4,11,12,13 - Proposed Elevations & Floor Plans House Types G/H, E/E & M, received 30.11.2023
1639-123 H – Proposed Site Plan Extract & Site Sections A-A, B-B, C-C, D-D, E-E & F-F, received 04.04.2024
- 23) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in strict accordance with the details specified on drawing no. 1638-115 (received 10.10/2022) except for the roof tiles for plots 1-4 of the development permitted.

Additional conditions for Appeal C

- 22) The roof tiles for plots 5-15 of the development hereby permitted shall be in strict accordance with the details specified on drawing no. 1639-115 RevJ.

End of schedules