

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: 26 February 2025

Appeal Ref: APP/E2001/D/24/3352768

13 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 Dr. Seshu Tatikola against the decision of East Riding of Yorkshire Council.
 - The application reference is 24/01339/PLF.
 - The development proposed is described as the erection of security gate and associated works to existing highway access to 13 On Hill, Swanland, HU14 3NQ.
-

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 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 property forms part of an attractive development of detached houses and where their amenity spaces adjoining the accessway are either mainly open plan, or in some cases include clipped hedging and other soft vegetation. There is an absence of gates across driveways along On Hill, and this creates a feeling of spaciousness and openness. The appeal property does include hedging to either

side of its driveway, but this adds to the soft verdant landscaping which is generally uninterrupted by gates or similar hard boundary treatments. There is a consistency of design which adds distinctively and positively to the character and appearance of the area.

7. The gates are approximately 5 metres wide and 1.9 metres high. They consist of horizontal, brown coloured steel, closely aligned panels. The gates are set back from the highway edge by approximately 2.8 metres and have existing beech hedging to either side, separated from it by side panels.
8. The gates, by their size, solidity and height introduce an incongruous and intrusive feature into the street scene which significantly and adversely affect the character and appearance of the area as described above.
9. 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

10. I have considered the concerns of the appellant regarding security. Reference has been made to rights under the Human Rights legislation. I have considered the Human Rights Act 1998, Protocol 1, Article 8 with respect for a person's private and family life and house. 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 have been fully considered. These issues reduce significantly the weight that can be afforded to these personal circumstances in this case. On balance, I find that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest. This outweighs the personal circumstances outlined above.
11. The appellant has referred to other gates elsewhere in the wider area, though there is little evidence before me as to the circumstances surrounding them. Nevertheless, I have determined the appeal proposal upon its individual merits and in the context of the character and appearance of On Hill.
12. These other matters, neither individually nor collectively, outweigh my conclusions upon the main issue.

Conclusion

13. For the above reasons, the appeal should be dismissed.

S. Hartley

INSPECTOR