



Appeal Decision

Site visit made on 20 February 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/E2001/W/24/3352564

62 Elloughton Road, Brough, East Riding of Yorkshire HU15 1AL

- 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 Mrs Elaine Farnell against the decision of the East Riding of Yorkshire Council.
 - The application reference is 23/03200/PLF.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect on the character and appearance of the area; the effect on the living conditions of the neighbouring residents with regard to outlook, privacy and shading; the effect on the living conditions of future residents of the proposed dwelling with regard to outlook and privacy; and the effect on flood risk.

Reasons

3. The main issues above generally respond to the council's reasons for refusal but also include third party concerns.

Character and appearance

4. The site is to the rear of the host property and is bounded on all sides by residential gardens. Aside from the changes to the access, the proposal would have very little impact on the character or appearance of the area, as experienced from public view points. Considerable thought has quite clearly gone into the design to enable such a large dwelling to fit within this enclosed and restricted space. The design is at odds with the prevailing characteristics of existing dwellings but the site constraints prevent the development of a dwelling similar to those around it. In these circumstances, the general design approach is acceptable as it optimises the potential of the site and makes prudent and efficient use of natural resources, particularly land. The details of the built forms and the materials proposed would satisfy a number of the requirements of policy ENV1 of the East Riding Local Plan Strategy Document (2016) (LP), including part C.
5. Despite the limitations of the site, the proposal is for a large four-bedroom house. The rooms, particularly the bedrooms, are of very generous proportions. Including this number of such large rooms adds significantly to the width and depth of the development and results in very close relationships with the boundaries. It does not

allow for sufficient space around the building to provide an appropriate setting and this would result in it appearing cramped within the plot. It is evident from the photographs provided by the appellant that considerable amounts of vegetation have been removed from the site and the current design offers only limited opportunities for meaningful replacements. In this respect, it represents an over-development of the site that fails to provide an appropriate setting or level of landscaping. The adjoining back garden areas provide open areas and some landscaping. This proposal seeks a more intensive level of development which is not in keeping with this back land area.

6. The scale and intensity of development would only be clearly evident to the surrounding residents. Whilst the experience of neighbouring residents will be considered further under the amenity section, the overdevelopment of the site would represent poor design. It would conflict with the design objectives of policy ENV1B(1, 3 & 8) as it would fail to have regard to the specific characteristics of the site's wider context and the character of the surrounding area; it would not be of an appropriate scale for the site; and the potential for soft landscaping would not be sufficient to enhance the setting of the building. The National Planning Policy Framework 2024 is clear that development that is not well designed should be refused.

Amenity of surrounding residents

7. Although made up of four separate pods of accommodation, with lower and more central linking corridors, the perception of these lower gaps between the accommodation pods would be limited. It would be experienced as a relatively unrelieved mass of development, extending across much of the length of the site. For a number of the adjoining properties, to both the north and the south, it would extend significant distances in both directions when viewed from the adjoining houses and gardens, particularly those properties that are close to the two more central accommodation pods.
8. The dwelling has been designed with a limited overall height and it would be set centrally, away from the boundaries. The elements closest to the boundaries would however be in the order of 3 and 4 metres in height at the nearest points to the boundaries. Aside from the living area pod, the other three pods would be set back in some instances, less than two metres and in others just over two metres, from the boundaries. The living area pod would be set slightly further from the boundaries but for a number of residents, the four main elements would be experienced together.
9. The plans show distances from the neighbouring houses to the north to be generally in excess of 20 metres; and generally in excess of 15 metres from those to the south. These distances appear to relate to first floor windows only. Most historic boundary vegetation appears to have been removed and although some hedge planting has already commenced, the site is separated from neighbouring properties only by the high timber fence. Four metres high structures, only in the region of two metres from the neighbouring boundaries, would be intrusive when experienced from neighbouring gardens and rear facing rooms. Having a sloping roof, down from 4 to 3 metres in height, would not significantly reduce the prominence of each pod. The pods in combination would result in a length of development along both boundaries in excess of 30 metres, within which there would be little relief in the overall scale of development, even taking into account

the greater set back of the living area pod; and the rear garden pod when considering the southern properties.

10. Although planting is shown and has already been undertaken along the southern boundary, this when established, would not make a significant difference to the extent of development experienced by neighbouring residents as the size of the hedge would be limited by the need to maintain light and outlook to the rooms in the new property. There is no planting currently proposed along the northern boundary and again, space here would be very limited. The proposal would result in unacceptable harm to the living conditions of adjoining residents with regard to outlook from their properties, particularly their gardens, as the structures would be overly dominant, intrusive and enclosing. It would therefore conflict with LP policy ENV1B(3&4) and the amenity requirements of the Framework.
11. Given the height of the proposed pods, there would not be an unacceptable loss of sunlight to the neighbouring gardens. The boundary fences would also generally prevent views from the new property into the neighbouring gardens. The proximity of most of the side facing windows to the fences would also limit the potential for inter-visibility with the neighbouring first floor windows. With regard to the proposed main living area, it appears that it would be possible for the new residents to have direct views towards the first floor windows of 66, 68 and 70 Hunter Road from a distance of only about 16 metres. However, this could be mitigated by the use of side facing obscure glazing or other measures.
12. Whilst I am satisfied that there would not be unacceptable levels of shading and that reductions in privacy could be managed, the proposal would be unacceptably overbearing for adjoining residents.

Amenity of residents of the proposed dwelling

13. The proposed dwelling would provide very good standards of accommodation for future residents. Even if some mitigation measures were required to the side facing windows of the living room, the outlook from that room, to the rear, would be of a good standard. The outlook from the bedrooms would be more constrained due to the proximity of the side boundaries. However, subject to boundary landscaping being limited, this would be more than satisfactory for such rooms. Privacy within areas of the garden and some areas of the living spaces would be compromised due to the proximity of neighbouring first floor windows, particularly those to the south, but there would be areas of garden that would be relatively private and measures could be taken to limit overlooking into the living accommodation and areas of the garden. Overall, the amenities of the future residents would be satisfactory.

Flood risk

14. Concern has been raised with regard to the potential for ground water flooding and with regard to drainage from the site. LP policy ENV6 seeks to limit surface water run-off to existing run-off rates; not increase flood risk within or beyond the site; and incorporate high levels of flood resistant and resilient design if located in a flood risk area.
15. The appellant has provided a map which indicates that the surrounding roads are subject to a risk of surface water flooding. This does not include the appeal site. It would be essential to ensure that the site would not add to local flood risk concerns.

The scale of the building would result in a significant increase in covered areas, although the use of sedum roofs would assist in this regard. Whilst it has not been demonstrated, it would appear that there would be sufficient space within the site for a wide range of measures that could contribute towards ensuring that run-off rates from the site could be controlled. As there would be only limited remaining open land areas, it would have been helpful to demonstrate these measures but as the council's land drainage team have suggested that this matter could be controlled by condition, I have no reason to disagree with their assessment.

16. Given the evidence of groundwater flooding in the vicinity; and being mindful that such maps may not be 100% accurate; and that areas that are unmapped may be as a result of a lack of historic reporting, I would expect a precautionary approach with regard to the future potential for some groundwater flooding within the site. There is an indication on the plans that the floor levels would be raised but I am not entirely clear of the extent of this across the site. Given my concerns regarding the overall height of the buildings close to the boundaries, I would expect these levels to be established and justified as part of any approval. Whilst not demonstrating the incorporation of high levels of flood resistant and resilient design, given my overall conclusions, this is not a matter on which my decision would turn.

Other matters and conclusions

17. The proposal would result in a new dwelling and make an efficient use of this land that lies within the settlement. It would include a range of measures to ensure that it would have a number of good sustainability credentials. It would result in a high level of economic investment and future residents would support local services. It would therefore make a positive contribution to social and economic objectives. I afford these matters considerable weight. I am mindful however, that a dwelling of more modest size, would offer similar benefits.
18. The appellant has made reference to permitted development rights and the potential for buildings to be erected in this area of garden which could have similar implications for the adjoining residents. For a fall-back position to be afforded significant weight there must be a reasonable prospect that such development would take place. There is nothing before me to suggest that this would be the case nor have any alternative plans been submitted. In any event, development of the height shown, in such close proximity to boundaries, would not fall within permitted development tolerances. Rather than weigh in favour of the development, this supports my view that the building elements would be too close to the boundaries.
19. Overall, I consider that the scale of the development proposed would be too great for this site and this is clearly evidenced by the limited space around the building to provide meaningful landscaping and an appropriate setting. Although the form and detailing has been carefully considered and the lack of public prominence reduces the harm that results from overdevelopment, it would represent poor design in this particular context. The height and proximity of the structures to the neighbouring properties would result in it being overly dominant and overbearing. I conclude that the benefits of the proposal are not sufficient to outweigh these concerns. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR