



Appeal Decision

Site visit made on 3 March 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 MARCH 2025

Appeal Ref: APP/E2001/D/24/3350194

10 Cliff Road, Hessle, East Riding of Yorkshire HU13 0HB

- 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 Taylor against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/01302/PLF.
 - The development is described as raised level driveway with wall and pier surround to front, installation of replacement windows and door to front, and window and door to side, application of render and cladding to front, following removal of existing bow windows and canopies.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from East Riding of Yorkshire Council's (the Council) official decision notice. It differs slightly from the description on the application form. However, the same description was used by the appellant on their appeal form, and I am therefore content that it has been accepted. It provides a more comprehensive description, except for the use of 'retrospective' and 'revised scheme of 23/03313/PLF', which are not forms of development and have been removed accordingly.
3. I noted from the submitted evidence that the proposed development has been partially constructed, which was observed on my site visit. Part of the raised level driveway has been constructed, with brickwork and some infilling in situ, largely in-line with the submitted plans. Alterations to the external appearance of the dwelling itself had not commenced at the time of my visit.
4. The appellant's grounds for appeal and the annotations on drawing Ref CR-01-24, dated April 2024, suggest that the brickwork associated with the raised level driveway would be reduced in height by 5 courses. However, in the absence of a plan showing what the proposed reduction in height would look like, I have made my decision based on the submitted plans and observations from my site visit.
5. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine whether the proposed development requires planning permission, as claimed by the appellant with regards to the brick wall. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 or 192 of the Act. I have therefore considered the appeal proposal on its planning merits.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the host dwelling and the surrounding area; and
- the effect of the raised level driveway on the living conditions of the occupants of No 8 Cliff Road, having regard to outlook and privacy.

Reasons

7. The appeal site is in a suburban residential area, mainly characterised by large properties set within substantial plots. No 10 Cliff Road (No 10) is one of two neighbouring detached dwellings that appear to have been mirror images of each other prior to the addition of an extension to No 10. Cliff Road sits at a substantial height above both dwellings, creating sloped front gardens, which are notable features in their surroundings and contribute positively to the character and appearance of the area. No 10 is located on the junction between Cliff Road and The Coachings and occupies a prominent position within the street scene.
8. A raised level driveway has been constructed in the front garden of No 10, adjacent to the boundary of No 8 Cliff Road (No 8), with brick wall and pier surround. Once complete, the driveway would create a level surface with Cliff Road. A pedestrian access has been created to the driveway at its shallowest point.

Character and appearance

9. Due to the existing garden slope, the raised driveway sits substantially above the floor level of No 10, resulting in vehicles parked level with the ground floor windows. For this reason, the driveway appears at odds with the existing dwelling and does not assimilate itself with the property's overall design and configuration, to the detriment of its character and appearance.
10. The elevated nature of the driveway, significantly above the underlying topography of the front garden, creates an incongruous feature within the street scene and is at odds with the neighbouring property that are viewed as a pair. Although no vehicles were parked on the raised driveway at the time of my site visit, it is clear to me that any type of vehicle parked at this elevated position would dominate the street scene when viewed from both Cliff Road and The Coachings, to the detriment of the character and appearance of the area.
11. The appellant has drawn my attention to No 6 Cliff Road (No 6) as an example of a similar development in the area. It is acknowledged that No 6 is elevated significantly above No 8 and No 10. However, the development at No 6 provides a cohesive transition between Cliff Road, its driveway and the dwelling itself, on a reasonably similar level. No 6 is not considered comparable to the appeal proposal for that reason.
12. For the reasons set out above, I find significant harm to the character and appearance of the host dwelling and the surrounding area, contrary to policy ENV1 of the East Riding Local Plan (2016) (ERLP), which seeks to ensure high quality design is achieved, having regard to, amongst other matters, the character of the surrounding area, and supporting development of an appropriate scale, layout and height.

Living Conditions

13. The raised parking area sits immediately adjacent to the side boundary of the front garden of No 8, and close to the front ground floor bay window of the property. The raised nature of the driveway, significantly above the prevailing topography of the front gardens, creates an oppressive feature when viewed from the bay window. The addition of vehicles at this elevated level would further contribute to the sense of overbearing experienced by the occupants. For this reason, I find significant harm to the living conditions of the occupants of No 8 with regards to outlook.
14. It is likely that the residents of No 10 would mainly use the driveway on a sporadic basis and for short periods of time, when accessing their vehicles to go to and from their home. In this regard, I do not find harm to the living conditions of the occupants of No 8 with regards to privacy.
15. For the reasons set out above, I find significant harm to the living conditions of the occupants of No 8 with regards to outlook, contrary to policy ENV1 of the ERLP, which seeks to achieve high quality design by, amongst other matters, having regard to the amenity of existing properties.

Other Matters

16. The Council's officer report concludes that the proposed alterations to the external appearance of the dwelling itself could be considered as permitted development and are therefore acceptable. There is no evidence before me to suggest that this is not the case. However, I have still found significant harm to both the character and appearance of the host dwelling and surrounding area, and to the living conditions of the occupants of No 8, resulting from the raised level driveway, and as such the appeal cannot be supported.
17. It is acknowledged that having the ability to park vehicles on a level surface is advantageous from a practicable perspective, particularly for the benefit of small children. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that confirms planning is generally concerned with land use in the public interest. I have found significant harm to both the character and appearance of the host dwelling and the surrounding area, and to the living conditions of the occupants of No 8, which outweigh the personal considerations put forward.

Conclusion

18. The proposal conflicts with the development plan taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR