



Appeal Decision

Site visit made on 15 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/E2001/W/25/3363534

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 Miss Sarah Farnill against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02318/PLF.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the East Riding Local Plan Update 2025 – 2039 (LP) in April 2025 after its refusal of planning permission. This supersedes the previous East Riding Local Plan that was adopted in 2016. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision. The Council have confirmed which policies are thereby relevant to this decision and the appellant was invited to comment. The appeal has therefore been determined in accordance with Policies ENV1 and ENV6 of the LP.
3. A Flood Risk Assessment has been prepared and submitted by the appellant at appeal stage in the interests of addressing the Council's concerns in relation to flood risk. As this additional information does not materially evolve the scheme, I am content to accept its submission for information purposes and am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by me doing so.
4. The appellant's name on the application form was spelt incorrectly as "Farnell". The appellant has confirmed that the correct spelling should be "Farnill" and that is the spelling used in the banner heading above.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - the effect of the proposed development on the living conditions of neighbouring residents and future occupants with regards to privacy, outlook and sense of enclosure; and

- whether the proposed development would increase the likelihood of flooding in the area.

Reasons

Character and appearance

6. The appeal site constitutes the long, rear garden of 62 Elloughton Road which is an extended two storey, semi-detached dwelling. The site predominantly comprises rough grass with a mix of young laurel hedging and conifers along the southern boundary and timber fencing along the northern boundary. It is located between the rear gardens of dwellings which face onto Hunter Road and Chantreys Drive and therefore has a back land character.
7. The adjoining streets are characterised by a mix of detached and semi-detached two storey dwellings set back from the road. Although there is a variety of house styles there remains a regularity to the pattern of development through their scale, spacious layout and spaces between them which provide views towards the vegetation in rear gardens. The regularity of this arrangement has a pleasing rhythm that in part contributes positively to the pattern of development of the surrounding area.
8. A previous appeal¹ for a dwelling on this site was dismissed on 14 March 2025. The Inspector concluded that the proposed dwelling would represent poor design and overdevelopment of the site and would be unacceptably overbearing for adjoining residents. The current appeal differs from the previous appeal as it is for a three-bedroom dwelling (rather than 4), has a smaller footprint, a greater separation distance from the neighbouring property to the east and amended design.
9. The proposed dwelling would be located towards the rear of the site with vehicle access provided along the side of the existing dwelling and its retained rear garden. The dwelling would comprise three sections with brick finish and pitched roofs, connected by flat roof timber clad links. The proposed pitched roof and upper parts of the dwelling would extend above the height of the proposed boundary treatments and would be a prominent form of development when viewed from neighbouring dwellings.
10. The dwelling would be sited a minimum distance of approximately 1.9m from the northern and southern boundaries of the site. Although the footprint of the proposed dwelling has been reduced, it would still occupy a large proportion of the site and remains close to the boundaries of neighbouring properties. Although this proposal includes a garden area to the east, the overall scale and massing of the proposed development within the plot would appear cramped and fail to reflect its back land character. Furthermore, the sprawled form of development and proximity to the boundaries of adjoining dwellings would be at odds with the spacious development pattern of the surrounding streets.
11. The appellant contends that additional landscaping would significantly obscure views of the dwelling. However, due to the constrained nature of the site, the size of any additional planting would be limited in order to maintain light and outlook to

¹ APP/E2001/W/24/3352564

the proposed dwelling and therefore I am not satisfied that additional planting would provide adequate mitigation to address the harms I have identified.

12. The appellant puts forward that there is a significant fallback position with regards to permitted development under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with regards to provision of buildings within the curtilage of a dwellinghouse. However, I have seen nothing to suggest they would genuinely pursue this option if the appeal failed or that such a scheme would be similar to, or worse than, what is currently proposed. As such, it is a matter of negligible weight.
13. The proposed development would harm the character and appearance of the site and surrounding area. It thereby conflicts with Policy ENV1 of the LP which seeks amongst other things to achieve a high quality of design which has regard to the specific characteristics of the site's wider context and the character of the surrounding area.

Living conditions

14. The proposed dwelling would comprise three sections with pitched roofs of approximately 5m in height. The gables of two of these sections would at their closest points be separated from the north and south boundaries by approximately 1.9m. The submitted plans show that adjoining dwellings to the south would be separated from the proposal by a distance of less than 15.6m, although these distances appear to relate to the main elevation of properties rather than any extensions.
15. The gable ends would project significantly above the proposed boundary treatments. Due to the proximity of boundaries to the south, the height and massing of these gable ends would have an overbearing impact on the rear gardens and rear facing rooms of neighbouring dwellings, leading to an increased sense of enclosure. Therefore, the proposed development would have an adverse impact on the living conditions of neighbouring dwellings to the south with regards to outlook and sense of enclosure.
16. Whilst the separation distances to the northern boundaries are similar to those to the south, the main elevation of these dwellings would be approximately 23m distance from the proposed dwelling and therefore the proposed gables would not adversely impact on the living conditions of neighbouring residents to the north with regards to outlook and sense of enclosure.
17. Although there have been no objections from neighbouring residents to the south of the appeal site, the absence of objection does not in itself render the scheme acceptable.
18. The submitted plans show that the windows of habitable rooms would be dual aspect. Although the outlook to the north and south would be constrained due to the proximity of the boundary and landscaping, three of these rooms would be bedrooms with the other being a snug. Therefore, the dual aspect from these rooms, in my view, would provide adequate outlook for future occupants.
19. Due to the position and design of the proposed windows only a small, high-level section of the windows would be visible over the proposed boundary treatments which would provide minimal outlook from the new dwelling towards neighbouring

dwellings. This design in addition to the separation distances between the proposed dwelling and first floor windows of neighbouring dwellings and boundary treatments would not result in unacceptable harm to the living conditions of neighbouring residents nor future occupants with regards to privacy.

20. The proposed dwelling would have a garden to the east and car parking to the west. Whilst the proposed dwelling would be sited close to the boundaries of neighbouring dwellings to the north and south, the gaps to the built form afforded by the proposed rear garden and car parking area, would not result in an unacceptable sense of enclosure for future occupants of the proposed dwelling.
21. In conclusion, the proposed development would cause unacceptable harm to the living conditions of neighbouring residents to the south with regards to outlook and sense of enclosure. It thereby conflicts with Policy ENV1 of the LP, which amongst other things seeks to ensure that new development has regard to the amenity of existing or proposed properties.

Flood risk

22. Policy ENV6 of the LP seeks to ensure that new development limits surface water run-off to existing run-off rates; does not increase flood risk within or beyond the site; and incorporates high levels of flood resistant and resilient design if located in a flood risk area.
23. As part of the appeal the appellant submitted a Flood Risk Assessment which shows in Figure 4 that the site is in an area of medium to high groundwater vulnerability, which is confirmed in the Environment Agency Map². In order to ensure that the proposal would not add to groundwater flood risk a precautionary approach is required. The submitted plans show the proposed foul drainage and soakaway arrangements, however there is limited information in relation to floor levels, connections or capacity and volume of the surface water soakaways. Whilst I note that the Council's Land Drainage Team consider that surface water and foul drainage details could be addressed via an appropriately worded prior to commencement condition, due to the proximity to adjoining dwellings and my concerns regarding the effect on the living conditions of adjoining residents, floor levels should be established as part of the approval.
24. The proposed development would increase the likelihood of flooding in the area and thereby conflicts with Policy ENV6 of the LP which seeks amongst other things to ensure that new developments do not increase flood risk within or beyond the site.

Other Matters

25. The appellant has raised concerns in relation to the advice received from officers during the determination of the planning application, however this is not a matter for me in deciding the appeal.

Conclusion

26. The proposal would provide an additional dwelling which would contribute towards meeting local housing needs. However, as the Council can demonstrate 9.9 years

² SFRA Areas Susceptible to Groundwater Flooding dated 12/08.24

housing land supply³ this contribution would be minor. It would also include a range of measures with regards to sustainability and would contribute to the local economy during the construction phase. However, the proposal would harm the character and appearance of the site and surrounding area, would harm the living conditions of neighbouring residents and has not provided sufficient information to ensure that it would not increase the likelihood of flooding in the area. I therefore conclude that the benefits of the proposal are not sufficient to outweigh the harms that I have identified.

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
28. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR

³ East Riding Local Plan 2012-2029 Housing Land Supply Position Statement for the period 2024/25 to 2028/29 (October 2024)