



Appeal Decision

Site visit made on 29 July 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/E2001/W/25/3366559

93 Hull Road, Woodmansey HU17 0TH

- 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 Mr and Mrs Kitchman against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/02392/PLF.
 - The development proposed is a new dwelling and garage, including the demolition of two garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, the East Riding Local Plan Update 2020-2039 (2025) (LP) and the East Riding Design Code (2025) (DC) have been adopted. The appellants have had the opportunity to comment on the relevant policies identified by the Council which supersede those listed on the decision notice, and the provisions of the DC which is a supplementary planning document.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area;
 - living conditions of future occupiers, with regard to privacy; and
 - living conditions of the occupiers of 93A and 93B Hull Road, with regard to privacy

Reasons

Character and appearance

4. The appeal site is located to the rear of properties that front Hull Road in a predominantly residential area where back land development is a well-established feature. The appeal site accommodates a dwelling and two outbuildings and is surrounded by a mix of plot sizes and property types and styles. While there are differences in design and appearance, the similarity in the built form and spaces around the properties creates a harmonious character.
5. The proposal would make efficient use of land and would introduce an energy efficient detached dwelling in an accessible location. Several amendments have been made to the scheme following a previous refusal and the use of sympathetic

high-quality materials would help to assimilate the proposal with other dwellings in the area. However, it would have an awkward relationship with the prevailing pattern of development owing to the proposed layout within the irregular shaped plot boundaries. While the front elevation would have some set back, the rear corner of the development would be close to the shared boundary with 1 Mansfield Croft such that the juxtaposition of buildings would be disjointed, and the proposal would result in an incongruous form of development that would not fit well into the surrounding context. It would overly intensify the quantum of built form, visually competing with the balance between spaces and buildings.

6. While the proposal may well achieve the relevant standards and mathematical calculations of site coverage, there would be limited space around the dwelling and awkward left-over spaces to the rear and side, indicative of the over development of the site, despite the removal of the garage from an earlier scheme. Consequently, because of the poor degree of integration with the surrounding development the proposal would create a sense of discordant intrusion and would not relate positively to the existing spatial relationships between houses.
7. There would be limited public views of the appeal scheme from Hull Road. Nevertheless, the proposal would stand out as being visually incongruous when viewed from surrounding properties and gardens, unbalancing the existing harmonious character of the area. It would therefore fail to meet the provisions of the National Planning Policy Framework which seeks developments that are sympathetic to local character and establish or maintain a strong sense of place, using the arrangement of streets and spaces amongst other things to create attractive, welcoming and distinctive places.
8. Back land development is a feature of the area and there are other infill developments to the west of the site. However they are on larger or differently shaped plots, such that they do not visually compete with the balance between spaces and buildings in the way that the appeal proposal would. The other examples do not therefore lead me away from my above findings.
9. Overall, the proposal would unduly harm the character and appearance of the area, in conflict with LP Policies S3 and ENV1. Amongst other things, these policies require development to integrate high quality design that is commensurate with the scale and density of the surrounding area and having regard to the specific characteristics of the site's context.

Living conditions – future occupiers

10. There are two permissions at No 93 for several alterations and extensions. The original permission includes the introduction of first floor windows on the side elevation facing the appeal scheme. A non-material amendment (NMA) has also been permitted which omits these first-floor windows. I have very limited details regarding the original permission, however the Council have indicated the first-floor windows would be unobscured and would allow views into the appeal scheme.
11. It is well established that multiple permissions can exist on the same plot of land. Work has started on the alterations and extensions at No 93 and while the appellants indicate that it is not their intention to implement the original permission, there is no clear evidence to show that the works to No 93 are not related to the original permission or that the implementation of the NMA scheme would preclude the addition of the windows under the original permission. On this basis, the

windows could be implemented and there is no substantive evidence that views from these windows would not be detrimental to the levels of privacy that the future occupiers of the appeal proposal could reasonably expect.

12. I therefore conclude that the proposal would harm the living conditions of the future occupiers, with regard to privacy, in conflict with LP Policy ENV1 insofar as it requires development to have regard to the amenity of proposed properties.

Living conditions – Nos 93A and 93B

13. The appeal scheme is oriented such that it would not directly face the rear of the neighbouring properties at Nos 93A and 93B and the fenestration is said to have been deliberately positioned to safeguard privacy. However, despite the modest width of the dormer, the tall outward face would afford elevated views at relatively close range into the gardens of these properties. While views would be at an oblique angle, given the proximity to these dwellings they would nonetheless negatively affect the privacy of the occupiers and the reasonable enjoyment of their rear gardens.
14. DC Key Guidance G14 advises that overlooking can arise when new development happens too close to existing development. That would be the case with the appeal scheme. The boundary fence at ground floor level would not mitigate the elevated views from the dormer window and owing to the townscape, there is currently a limited degree of overlooking from other properties, and so the proposal would result in a significant increase in the perception of overlooking from the existing situation.
15. To conclude, the proposal would harm the living conditions of the occupiers of Nos 93A and 93B, with regard to privacy and would be in conflict with LP Policy ENV1 insofar as it requires development to have regard to the amenity of existing properties.

Other Matter

16. The appeal site lies within the zone of influence for the Humber Estuary Special Area of Conservation, Special Protection Area and Ramsar Site, afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, as the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected site.

Conclusion

17. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR