



Appeal Decision

Site visit made on 30 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/V2004/W/25/3368496

25 Mayland Avenue, Kingston upon Hull HU5 5JA

- 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 T Newton against the decision of Kingston-Upon-Hull City Council.
 - The application Ref is 24/01006/FULL.
 - The development proposed is a new build 3 bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reasons for refusal included the failure to make provision for open space in accordance with Policy 42 of the Hull Local Plan 2016 to 2032 (November 2017) (LP). Since the application was determined a legal agreement, providing for financial contributions for open space, has been provided by the appellant and agreed by the Council. As this matter is no longer in dispute, I have not considered it as part of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposed development would result in acceptable access arrangements for future occupants and occupants of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is situated within a densely developed residential area, predominantly comprising red brick or part rendered, two-storey terraced houses. These dwellings generally front onto the road and occupy plots with modest gardens to the front and more substantial linear rear gardens. The area exhibits a consistent pattern of development, characterised by the scale, grain and density of housing with public-facing fronts and secluded, spacious private rear gardens.
5. 25 Mayland Avenue (No 25) is one of a group of 4 terraced houses located at a corner on Mayland Avenue. Consequently, the rear gardens serving these houses

are larger than is typical for the area but remain consistent with and contribute positively to the overall character and appearance of the area. The proposal is to sub-divide the existing residential curtilage to No 25 to create an additional plot for a new single-storey, detached dwelling. Development within rear gardens is largely restricted to modest extensions to houses, domestic outbuildings and garages. I have not been provided with any examples of backland or infill residential development in the vicinity, nor did I observe any during my site visit.

6. The siting and layout of the proposed dwelling would fail to present a predominantly public frontage consistent with surrounding dwellings. Although the scheme provides a private back garden and access via a private service road, the front would only have a very limited public presence. As such, the dwelling would appear isolated and distinct from the general pattern of development in the area, failing to maintain the established character. Additionally, introducing a single-storey, detached dwelling, which differs significantly in scale, roof form and materials, within a context that is predominantly composed of two-storey, terraced houses would appear incongruous and disrupt the established pattern of development.
7. Moreover, the scheme would significantly reduce the garden space to the host property and would undermine the distinctive spacious character of the area. By failing to respect the established scale, arrangement, grain and density of buildings and garden spaces, the proposal would detract from the positive contribution these features make to the character and appearance of the area.
8. I acknowledge the planning history of the site, including the previous decision made by the Council (Ref. 20/01078/FULL). However, this only serves to reinforce my concerns about the suitability of the site for development. I note that the previous decision did not refer to Policy 21 of the LP. However, the appellant provided a Building for Life assessment with the planning application. Accordingly, I have considered the appeal with regard to Policy 21 and, for the reasons given above, find that the scheme fails to achieve the required standards.
9. Hence, the scheme would result in harm to the character and appearance of the area and conflicts with Policies 14 and 21 of the LP, which seek to ensure, among other things, that development results in a high-quality environment in relation to the surrounding area, particularly in terms of layout, connectivity, grain and density. Furthermore, the proposal departs from the advice provided by the Hull Residential Design Guide Supplementary Planning Document, 2007, that development should be based on an understanding of the characteristics and context of the area to deliver successful and attractive places.

Access

10. Access to the appeal site is via unadopted service roads, locally known as 'tenfoots', which connect with Ridgeway Road and Springhead Avenue. However, the evidence indicates that the right of access to the appeal site is only available from Springhead Road, which is a considerable distance from the site.
11. These service roads are narrow, unlit, and provide access to the rear gardens and garages of properties fronting onto Willerby Road, Springhead Avenue, Mayland Avenue and Ridgeway Road. They are also used for refuse collection. Several garages and outbuildings extend up to the edge of the right of way, resulting in existing pinch-points and blind corners.

12. Although not heavily used, the service roads offer very limited space for vehicles to pass each other. Larger vehicles, such as refuse lorries and emergency or delivery vehicles, would occupy much of the road's width and would significantly impede the passage of other users, and put pedestrians and cyclists at risk. The lack of street lighting further increases the risk posed to pedestrians and cyclists at night.
13. I acknowledge that the service roads already provide secondary access to other dwellings in the area. However, most properties have primary access directly onto, or closer to, a public highway, which likely limits the use of each rear access. In contrast, the proposed dwelling would rely solely on the service road for access. Consequently, the additional movements to and from the proposed development would increase the likelihood of conflict with other users of the service roads, both from the new dwelling and neighbouring properties.
14. In conclusion, the combination of the unlit and highly constrained the service roads, together with the considerable distance from the appeal site to the public highway, would result in unsafe, inconvenient and indirect access arrangements for future occupants of the proposed dwelling as well as occupants of neighbouring properties. Consequently, the proposal conflicts with Policies 14 and 26 of the LP, which require development, among other things, to be well connected to the surrounding area and to provide safe, convenient and direct access to the road network.

Other Matters

15. I note that the proposed development would not affect any designated or undesignated heritage assets, additional tree planting would result from the development, and that the scheme would provide cycle storage and adequate parking for cars or motorcycles. I also acknowledge that a single dwelling would have minimal impact on the amount of traffic using the highway network. The appellant asserts that local parks and recreation facilities could be accessed from the appeal site, and that the site would be secure to all four boundaries. However, when considered against the harm identified above, these points make no difference to my overall conclusion.

Conclusion

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

C Mayes

INSPECTOR