



Appeal Decision

Site visit made on 21 October 2025

by **D M Love BA(Hons) PGCert MRTPI PISEP**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/E2001/W/25/3370739

Scout Hut, 12 Church Street, Anlaby, East Riding of Yorkshire, HU10 7DG

- 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. Riyaad Elahee against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00318/PLF.
 - The development proposed is described as “change of use from former chapel to dwelling, construction of mezzanine floor, installation of two roof lights to north elevation, new door in existing opening to side and installation of roller shutter door to front entrance to create store”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the appeal site is described interchangeably between ‘The Old Chapel’ ‘former chapel’ and ‘Scout Hut’. For the avoidance of doubt and clarity I refer to the building as per the application description, i.e. the former chapel.
3. The site is within the Zone of Influence of the Humber Estuary SPA/SAC/Ramsar Site. I have a statutory duty under the Conservation of Habitats and Species Regulation s2017 (as amended) (the Regulations) to consider the potential impacts on this internationally important wildlife site in the determination of this appeal. I return to this issue below.

Main Issues

4. The main issues in the consideration of this appeal are the effect of the proposal on:
 - the living conditions of future occupiers, with particular regard to private amenity space and outlook; and on the occupiers of 11 Church Street with regard to privacy; and
 - highways safety.

Reasons

5. The site lies within a residential area of Anlaby to the front of 5 North Street (No 5) and 11 Church Street (No 11). The building itself is small, detached and is currently in poor condition at odds with the surrounding area. The wider area is predominantly made up of larger detached and semi-detached properties with their own sizeable plots affording private amenity space and off-road parking.

Living Conditions – Future Occupiers

6. As part of the proposed conversion of the building to residential use, the appellant proposes to install new rooflights to provide light into the new mezzanine floor bedroom. These windows would face onto the front parking area of No 5 but would be obscured. This approach would meet the terms of the East Riding Design Code, April 2025 (the Design Code), C45, which says that such an approach could mitigate issues of overlooking.
7. While obscure glazing can be used to prevent overlooking, this is generally to non-habitable rooms such as the hall, stairs, or to bathrooms where the obscure glazing also serves to protect the privacy of the occupiers. It is not a common design feature to habitable rooms of a property, such as a bedroom. The use of obscured glazing to overcome privacy concerns would prevent any form of outlook from the single bedroom.
8. Furthermore, the outlook from ground floor windows would also be poor. The main front windows would look directly onto the road with no set back so vehicles would be passing very close by, and the south and west facing windows would look out towards 2.1m high fences. Therefore, none of the windows would provide an attractive outlook.
9. The proposal does not offer any amenity space albeit there are arrangements for a bin store and bike storage. Although a garden is not specifically required by Policy ENV1 of the East Riding Local Plan Update 2025 (Local Plan), the policy does require that regard is had to the amenity of proposed properties, as well as to healthy lifestyles. Chapter 8 of the Design Code notes the contribution that outdoor amenity space can make toward health and wellbeing, by providing space for activities such as food growing, washing and drying as well as space for play, rest and connecting with nature. To provide for these benefits, code C49 requires a minimum 25sqm for garden space whilst paragraph 135 of the National Planning Policy Framework (NPPF) requires a high standard of amenity. The lack of any amenity space would detract from the quality of life afforded to the occupiers of the appeal scheme.
10. Considering the combination of poor outlook and the lack of amenity space the proposal would not provide satisfactory living conditions for future occupiers.

Living Conditions – Neighbouring Occupiers

11. Although this is an existing building it lies immediately adjacent to the front garden/ parking areas of No 5 and No 11. There is an existing window that looks directly towards the front of No 11, but that house already experiences a degree of overlooking from neighbouring properties and from the road. The existing windows between No 11 and the proposal do not meet the minimum separation distances as stipulated in the Design Code C46, however the intervening fence is substantial and provides a suitable degree of screening. I do not find that the privacy of No 11 would be significantly eroded by the proposal.
12. With respect to No 5 the rooflights could provide the impression of being overlooked, however in reality the obscure glazing is consistent with the Design Code as referenced above to address this issue. Equally, No 5 is already overlooked by nearby residential properties and the road. I do not find that the proposal would significantly add to this experience.

13. I consider that the proposal would not significantly erode the existing privacy situation of either No 5 or No 11.

Living Conditions - Conclusion

14. Whilst the effect on the living conditions of neighbouring occupiers would be acceptable, the proposal would fail to provide satisfactory living conditions for future occupiers, with particular regard to private amenity space and outlook. The proposal does not meet the requirements of Local Plan Policy ENV1, the Design Code, or the NPPF for the reasons set out above.

Highways Safety

15. There is no private parking associated with the appeal. The highway authority raised no concern with this given the sustainable location and I agree with their position.
16. Policy ENV1 seeks to minimise highway safety risks by promoting safe movement. The appeal proposes to maintain part of the building as a store with access via an external roller shutter. This shutter opens directly onto Church Street with no buffer between it and vehicles travelling along this road. However, the store is small, and it is expected that access would not be for long periods at a time. There are no parking restrictions along this road with existing on-street parking forcing vehicles to drive slowly. I consider the risk to highway safety would be small, with sufficient gaps in traffic for users to be able to access the store safely.
17. The proposal would not present a great degree of harm to highway safety, and I find it to be consistent with Policy ENV1 and paragraph 115 of the NPPF.

Other Matters

18. I recognise the proposal would deliver some benefits via the provision of an additional property to the housing market and a marked improvement to the appearance of the existing building. However, these benefits are not sufficient to outweigh the harm detailed above. Furthermore, planning permission would not be required to undertake works to improve the appearance of the building.
19. The appellant considers the appeal building to be a Non-Designated Heritage Asset (NDHA) and that this proposal would secure the building for future generations. However, no information has been provided about its history or former use as a chapel, or any significance that it might have in heritage terms. The Council has commented that the building has undergone significant alteration and does not meet its criteria to be considered a NDHA. On the basis of the evidence provided I have given little weight to heritage matters.
20. With respect to my duty under the Regulations, were I allowing the appeal it would be necessary to carry out an Appropriate Assessment to determine the likely significant effects on the qualifying features of the Humber Estuary habitats sites. However, as the appeal is to be dismissed for other reasons, it has not been necessary to do so, and I have not considered this matter further.

Conclusion

21. I find that no further erosion of privacy to either No 5 or No 11 would occur and that the risk to highway safety posed by the store would be minimal. However, the proposed conversion would provide a poor outlook for future occupiers, and the lack of amenity space would also detract from living conditions. These harms would not be outweighed by any of the benefits. The proposal therefore would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the NPPF, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

D M Love

INSPECTOR