

Appeal Decision

Site visit made on 4 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th May 2017

Appeal Ref: APP/E2001/W/16/3164653
5 Cavendish Drive, Beverley HU17 8UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Walker against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/01647/PLF/EASTSE, dated 17 May 2016, was refused by notice dated 6 September 2016.
 - The development proposed is erection of a dwelling following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the original application form was given as proposed single storey dwelling (bungalow) on land of existing bungalow, remodelling to existing bungalow and new shared parking to front of site. Section E of the appeal form indicates that a revised description was agreed with the Council. I have been provided with evidence of that agreement and have therefore used the revised description in the banner heading above.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook and privacy; and,
 - whether the proposal would provide satisfactory living conditions for future occupiers of the appeal proposal with particular regard to privacy and amenity space.

Reasons

Character and Appearance

4. The site is within a small cul-de-sac of modern, single-storey detached and semi-detached residential properties. The properties are characterised by their simple design with bay windows and pitched roofs. The detached properties
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- generally have gable pitches whilst attached properties have dual-pitched roofs.
5. Properties are principally sited on large plots and are set back from the highway. Whilst the spacing between properties is relatively tight, there is a significant level of incidental open space throughout the estate and the large gardens provide views between streets. Front gardens are open in nature with a high level of landscaping and parking areas are commonly located to the side of the properties. As a result, the area has an open and spacious, suburban character. The limited amount of parking areas directly to the front of properties positively contributes to that character.
 6. The appeal relates to a single storey, semi-detached property set back from the road. There is a detached garage to the side which appears as a subservient element of built form. The property has a large garden which extends around the rear and side. The set back of the property, its large plot and its open, attractively landscaped front garden contributes positively to the character of the street scene.
 7. It is proposed to demolish the existing garage and erect a single storey, detached dwelling to the side. The proposed dwelling would be considerably larger than the existing garage and thus would not appear subservient. Moreover, whilst the dwelling would have a ridge height consistent with the existing property, it would nevertheless occupy a considerable proportion of its overall plot with little front garden and narrow gaps either side. As a result, the dwelling would appear unduly cramped, in stark contrast to the prevailing character of the area.
 8. Furthermore, the proposal would significantly reduce the garden area of the existing property. This would harm the established open and spacious character of the street scene. The proposal would also result in loss of most of the landscaping to the front of 5 Cavendish Drive and the provision of two parking spaces directly to the front of the property. In addition, a long driveway would be provided to the front of the proposed dwelling. This would reduce the important contribution of the open, landscaped front garden towards the character of the area.
 9. The Council's Officer Report indicates that the hard surfacing of the front garden could be carried out at any time under permitted development rights. However, there is no evidence before me that there is any firm intention to do so. Indeed, it seems to me that the hard surfacing of the front garden would largely be borne out of the need to accommodate the proposed dwelling. As such, the fall-back position is a matter to which I can afford no more than little weight.
 10. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. As a consequence, the proposal would conflict with Policy ENV1 of the East Riding Local Plan 2012-2029 Strategy Document 2016 (LP) which states that development will be supported where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place.

Living Conditions - Neighbours

11. The proposal would provide two parking spaces to the front of No 5, with two spaces to the front of the new dwelling. Cars parked in these spaces would be visible from windows within the front and side elevations of No 5 and No 7. Whilst this would undoubtedly increase the amount of vehicles in the outlook of neighbouring residents, it is not uncharacteristic in residential areas for residents to look out onto parking areas. Indeed, that is currently the case in respect of No 5 and No 7 which have views of driveways from habitable windows. The proposal would not, in my view, result in an increase in the number of vehicles within the cul-de-sac such that it would change its character to a one of a car dominated environment.
12. Furthermore, the dwelling would be offset from the shared boundary with No 7 by around 2.5m. No 7 also lies at an elevated level above the appeal site. In addition the property would have a relatively modest eaves height of around 2.5m above the ground level of the neighbouring property and a roof which pitches away from the boundary. Consequently, the proposal would not result in a harmful loss of outlook for the occupiers of No 5 or No 7.
13. The existing property contains a kitchen window in the side elevation which would face the side and front elevations of the proposed dwelling. The office/dining room window in the front elevation of the proposed dwelling would be visible from this window at close quarters. However, the windows would be at a 90° angle to one another which would not allow for direct views between the two.
14. Moreover, the front elevation of the dwelling would be at angle to No 7 and would not therefore allow for direct views to the windows in the front of that property. The side elevation of the dwelling would contain no windows and the existing fence on the shared boundary with No 7 would be retained. As a result, I am satisfied that the proposal would not result in a harmful loss of privacy for the occupiers of No 5 or No 7.
15. The proposed dwelling would be sited around 13m away from No 1. Given the modest height of the proposed dwelling and the screening along the shared boundary, I am satisfied that the proposal would not result in a loss of outlook or privacy for occupiers of No 1.
16. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers with particular regard to outlook and privacy. The proposal would, in that respect, comply with LP Policy ENV1 which states development should have regard to the amenity of existing properties.

Living Conditions – Future Occupiers

17. The proposal would incorporate a 1.5m wide passageway between the two properties to allow residents of No 5 to access the rear garden. The passageway would result in residents moving in close proximity to the office/dining room window in the front of the proposed dwelling.
18. Nevertheless, the window is set away from the boundary and, whilst views into the window would be available at angle from the passageway, it is unlikely that the comings and goings associated with a single dwelling would give rise to significant pedestrian movements. As a result, the proposal would be unlikely to result in a poor standard of privacy for future residents.

19. The Council has also raised concerns that the proposed dwelling would have a small garden which would not provide a suitable degree of external amenity space for future residents. Whilst the garden would undoubtedly be smaller than the existing garden of No 5, it would nevertheless measure around 9m x 7m. This would, in my view, provide a suitable level of external amenity space for future residents.
20. I conclude, therefore, that the proposal would provide satisfactory living conditions for future occupiers of the appeal proposal with particular regard to privacy and amenity space. The proposal would, in that respect, comply with LP Policy ENV1 which states that development should have regard to the amenity of proposed properties.

Other Matters

21. I note the sustainable location of the appeal site and the contribution the proposal would make towards boosting the supply of housing in the area. However, the harm that would arise to the character and appearance of the area would outweigh the relatively modest benefits of the scheme.
22. The proposal would provide for 2 off-street parking spaces for both the existing and proposed dwelling. The Highway Authority has raised no objection to the proposal. I see no reason why the proposal would generate such traffic movements as to have a harmful effect on highway safety. I also note the lack of harm that would arise in respect of flood risk. However, the lack of harm in such respects would not outweigh the harm which I have identified in relation to the character and appearance of the area.
23. I appreciate that the planning officer recommended that the proposal should be approved and that no objections were raised by any consultees during the application process. However, this does not outweigh or overcome the concerns outlined above.
24. Finally, I note the concerns in respect of the effect of the proposal on the living conditions of neighbours with regard to sunlight, noise and disturbance and pollution. However, given my findings in respect of the main issues they do not lead me to any different overall conclusion.

Conclusion

25. Whilst I have found that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers and would provide satisfactory living conditions for future residents, I have found that the proposal would have a harmful effect on the character and appearance of the area. That is the prevailing consideration. The proposal would therefore conflict with Policy ENV1 of the LP and the development plan when taken as a whole.
26. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR