
Appeal Decision

Site visit made on 7 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 21 September 2016

Appeal Ref: APP/W9500/W/16/3149739
136 Aldenham Road, Guisborough, TS14 8LD

- 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 Martin Wood against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2016/0036/FL, dated 18 January 2016, was refused by notice dated 30 March 2016.
 - The development proposed is erection of a part single storey and part two storey detached 3-bedroom house within the existing side garden area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. 136 Aldenham Road is in part of a built-up residential area of Guisborough that, because it is a small area of the town that lies within the boundary defining the North York Moors National Park, is defined as a service village. It is said that the area cannot sensibly be regarded as located in a service village, however it is not disputed that this is the designation in the settlement hierarchy set out in the policies of the North York Moors Local Development Framework: *Core Strategy and Development Policies* 2008 (CSDP). The policies of the adjacent local planning authority cannot therefore apply.
 4. CSDP Core Policy J sets out that residential sites in service villages of less than 0.1ha must meet the definition of a small infill gap. An infill site is defined as a small gap in a continuously built up frontage in the main built up area. Whether a site falls in a built up area is determined on a case by case basis.
 5. The appeal site is a 256m² triangular end piece of No 136. It is adjacent to the Hutton Lowcross Conservation Area which contains public open space and woodland next to the northern boundary of the Kemplah Park former school site development, of which No 136 was the show home. There were plans that the appeal site was to be separately landscaped, but it now belongs to No 136.
 6. The Council has no record of any planning permission for residential development on the appeal site. I saw that it is populated by several mature trees that, whilst forming a small group, complement the larger area of
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woodland nearby. The appeal site forms a buffer on the boundary of the National Park, between the built up residential area and public open space immediately to the north (referred to by the parties as the old railway line). It is next to the access to the open space from Aldenham Road and makes a positive contribution to the character and appearance of the street scene.

7. The Council does not consider that the proposal would impact on the setting of the conservation area. From what I have seen of the site and its surroundings, I would concur. As the site is within the national park area I have also considered the proposal having regard to the statutory purposes of conserving and enhancing its natural beauty and cultural heritage.
8. The supporting text to Policy J explicitly recognises the value of amenity spaces in built up areas, in explaining that not every gap will be considered as an infill site. The appeal site is not to my mind an infill site or a "rounding off" of the development as envisaged by the policy, as it is an irregularly shaped site that relates more to the adjacent open space than to the typically more substantial residential plots on Aldenham Road.
9. The new dwelling would in addition provide no rear amenity space of any value, and its footprint and driveway would leave an uncharacteristically small side garden in comparison to the typical garden areas of surrounding properties. The removal of most of the mature trees in the site would also detract from the character and appearance of the area and this adds to my concerns.
10. The proposal for residential development on the appeal site therefore would be harmful to the prevailing character of housing in the area and the surrounding landscape. The size and location of the intended plot would not be consistent with the definition of an infill gap as set out in CSDP Policy J. As such the proposal would be in conflict with that policy.
11. The CSDP is several years old but, for the purposes of defining acceptable residential development on "infill" sites, it is broadly consistent with the National Planning Policy Framework, especially Paragraph 17 that seeks among other matters to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings.

Other Matters

12. The design, appearance, scale and construction materials of the new dwelling are not objected to by the Council; however this is a neutral factor in assessing whether the proposed location is acceptable in principle.
13. The Council refers to Paragraph 53 of the Framework in resisting the proposal, however I have not been made aware of local plan policies that specifically resist inappropriate development of residential gardens, so have not taken this particular issue into account.

Conclusion

14. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR