

Appeal Decision

Site visit made on 24 August 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/G2713/W/16/3151938

21 College Square, Stokesley, North Yorkshire TS9 5DL

- 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 Mrs A Watts against the decision of Hambleton District Council.
 - The application Ref 16/00042/FUL, dated 6 January 2016, was refused by notice dated 4 March 2016.
 - The development proposed is demolition of store building and construction of new cottage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs A Watts against Hambleton District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - The effect on the living conditions of neighbouring residents with particular reference to privacy, outlook and light.
 - The effect of the proposal on the character and appearance of the area and the Stokesley Conservation Area.

Reasons

Living Conditions

4. The site is an open grassed area located to the rear of 21 College Square. The site also contains two outbuildings which are used for storage. It is proposed to erect a cottage on eastern area of the site facing onto a public footpath.
 5. The proposed dwelling would be approximately 10.75m from the rear elevation of 13 College Square which abuts the site boundary. It was apparent at my site visit that this elevation of No 13 contains windows to habitable rooms which look directly onto the appeal site. The resident of No 13 has raised objections to the proposal due to the effect on dining room and lounge windows to the rear. Due to the arrangement of the properties and the close proximity of the proposal, the rear windows of the proposed dwelling would enable views
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- directly into the rooms of No 13 to the detriment of the privacy of residents. Furthermore, due to this close proximity, the proposal would have an overbearing appearance and create a sense of enclosure to the rear of No 13.
6. I note that it is proposed to provide a screen of bushes/fruit trees to screen the ground floor windows of No 13. However, this landscaping would take time to establish and in any case would further obstruct the outlook from No 13 exacerbating the overbearing impact identified above.
 7. I also acknowledge that the proposed dwelling would be offset within the site to provide a degree of outlook from the largest ground floor window of No 13. However, the benefit of this arrangement would be limited and this would not overcome the identified harm to the living conditions of residents of No 13.
 8. I am mindful that due to the arrangement of the properties, No 13 is more vulnerable to loss of privacy arising from the development of the site. However, this does not justify the harm to the living conditions of residents of No 13 that I have identified above.
 9. The proposed dwelling would also have a similar separation distance from the rear elevation of 12 College Square. However, the main 2-storey element of the proposed dwelling is offset from the rear elevation of No 12 which would reduce the overbearing impact of the proposal. Furthermore, screening is provided by existing fences and landscaping in intervening plots. Therefore, although the separation distance from No 12 would be similar to that from No 13, I consider that the proposal would not be detrimental to the living conditions of residents of No 12.
 10. Objections have also been received from residents of properties on Northfield Drive in relation to visual impact, loss of light and privacy. Whilst the proposed dwelling would be visible from the rear of properties on Northfield Drive, I consider that the proposal would not be intrusive or unduly dominant in views from the rear of these properties due to the limited height of the dwelling and the separation distance. Although the proposed dwelling would be located to the south of Northfield Drive, the height of the dwelling and the separation distance would also mean that any loss of light or overshadowing would not be sufficient to warrant dismissing this appeal.
 11. I also note that the owners of 20 College Square have objected to the proposal due to concerns including visual impact and loss of light. However, due to the separation distance between the proposed dwelling and No 20 I consider that the proposal would not be intrusive in views from the property. Also, as the proposal is located to the north of No 20 then any loss of light or overshadowing would be very limited.
 12. Notwithstanding my comments in relation to other dwellings in the area, the proposal would be detrimental to the living conditions of residents of 13 College Square as a result of loss of privacy and an overbearing visual impact. The proposal would therefore conflict with Policy CP1 of the Hambleton District Council Core Strategy 2007 (CS) which states that developments should protect or enhance amenity. The proposal would also conflict with Policy DP1 of the Hambleton District Council Development Policies 2008 (DP) which states that development must adequately protect amenity, particularly with regard to privacy and daylight. These policies are broadly consistent with the National

Planning Policy Framework (the Framework) which seeks to ensure a good standard of amenity for occupants of buildings.

Character and Appearance

13. The boundary of the Stokesley Conservation Area (CA) runs through the site and includes the two outbuildings on the southern part of the site. The CA is based on the historic core of Stokesley which contributes to the area's significance as a designated heritage asset. The site is located in the College Square Character Area of the CA which includes backland areas north of the High Street, such as the appeal site. As an open area, the site forms a buffer between the CA and the more modern development to the north.
14. The boundary of the CA includes an outbuilding within the site which is constructed from traditional materials, including substantial and well-cut sandstone blocks which show the herringbone tooling typical of the local area. I note the appellant's comment that the building is not listed and is not identified as being of local interest within the CA Appraisal. However, it was apparent at my site visit that the building is readily visible from the nearby footpath leading into the CA and is a traditional building which makes a positive contribution to this route into the CA.
15. I acknowledge that the appellant proposes to reuse the stone from the outbuilding within the development, but I consider this would not overcome the harm to the character of the area arising from the loss of the building. The appellant has also stated that the outbuilding could be demolished without the need for planning permission. However, I have no substantive evidence to indicate that there is a significant probability that the building would be demolished should this appeal be dismissed. This limits the weight I can attach to this as a fallback position, and in any case does not diminish the contribution that the building makes to the character and appearance of the area.
16. Although the open area of the appeal site is located outside the boundary of the CA, it is an attractive feature in views from the adjacent pedestrian route which leads into the CA and which therefore contributes to the character and setting of the CA. The CA Appraisal recognises the importance of the wynds and alleys that permeate the town, particularly to the north of the High Street, and states that care should be taken when assessing the quality and character of these individual views in development proposals. I note that the CA Appraisal states that backland plots such as the appeal site may become available for development or have the ability to be enhanced. However, I consider that the proposed dwelling would remove the contribution that this open site makes to the character and setting of the CA.
17. I consider that the appeal site performs an important function in views from the adjacent footpath as a buffer between the CA and the more modern development to the north. Furthermore, this open area and the outbuilding represent an example of the historic development of the area. The development of a dwelling resulting in the loss of this open area and the removal of the building would fundamentally change the character of this site. Whilst the development of a backland site may be typical of development elsewhere in Stokesley, the appeal proposal would be harmful to the particular contribution that the site makes to the CA.

18. I conclude that the proposal would be detrimental to the character and appearance of the CA and its setting. The proposal is therefore contrary to Policy CP16 of the CS which states that development will not be supported which has a detrimental impact upon man made assets and locally designated areas. The proposal is also contrary to Policy DP28 which states that development within or affecting the setting of a CA should seek to preserve or enhance all aspects that contribute to its character and appearance. These policies are broadly consistent with the Framework in relation to conserving and enhancing the historic environment.

Other Matters

19. In support of the appeal, I have been referred to a number of other proposals for small residential infill developments in the CA which have been approved by the Council. However, from the details provided to me the majority of these cases related to the alteration and extension of existing buildings rather than the construction of a new dwelling. The exception is the decision at 13 High Street (ref. 07/03780/FUL) which related to the construction of a new dwelling on a rear infill plot. However, I note from the officer's report that the use of obscure glazing for first floor windows and suitable boundary treatment would prevent overlooking. Furthermore, the site at No 13 was an enclosed courtyard/garden which was not adjacent to a public access leading into the CA. The circumstances of these schemes are therefore not directly comparable to the appeal proposal before me. In any case, I have considered the appeal proposal on its own merits.
20. I have taken into account the appellant's intention to occupy the property and her requirements in relation to facilities and future care arrangements. I note that the proposal would contribute to the mix of housing in the area, albeit to a very limited degree. I also recognise that the site is in a sustainable location within easy reach of services within the Stokesley. However, these circumstances are not sufficient to outweigh the harm that I have identified. In particular, whilst the harm to the significance of the CA would be less than substantial, I consider that the benefits of the proposal would not outweigh the identified harm.
21. I have also taken into account other concerns raised locally, including the implications for highway safety and access to property. However, they do not add to my reasons for dismissing this appeal.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR