The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/C9499/W/16/3159626
4 Cragg Hill Road, Horton in Ribblesdale, Settle BD24 0HN

- 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 Philip Sutcliffe against the decision of Yorkshire Dales National Park Authority.
- The application Ref C/44/248A, dated 6 April 2016, was refused by notice dated 16 June 2016.
- The development proposed is removal of existing dilapidated garages to rear of 4 Cragg Hill Road to be replaced by 1 bedroom bungalow.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy, outlook, noise and disturbance and whether the proposal provides adequate living conditions for future occupiers.

Reasons

Living conditions – neighbouring residents

3. The appeal site is currently occupied by a block of three disused, precast concrete garages which lie to the rear of a row of 20th Century bungalows. The access to the garages runs between 4 and 6 Cragg Hill Road, the gardens of which bound the appeal site to the north, south and west. The proposal encompasses the demolition of the garages and the erection of a single storey dwelling.

4. The proposed dwelling would be sited approximately 7.5 metres from the rear elevations of No 4 and 6. Despite attempts to tunnel views by the use of nibs either side of the living room window, future occupants would still have views into the rear bedroom windows at No 4 and 6, albeit at an angle. The proximity of the proposed amenity space to the front of the dwelling would also give rise to overlooking of these windows. By virtue of the distances involved and the relationship between the existing dwellings and the proposed, there would be an unacceptable impact on the privacy of neighbouring residents.

5. While the proposed dwelling would be visible from the rear of No 4 and 6, the dwelling would lie to the centre of the existing driveway, slightly offset from the rear boundary walls and windows of the existing bungalows. The proposal would not result in a significant increase in built mass compared to the block of garages. I do not therefore consider that the proposal would result in a material loss of outlook for the occupiers of No 4 and 6.

6. The proposed dwelling could have the potential to give rise to noise and disturbance in relation to comings and goings and general activity associated with the residential use. However, I am mindful that, although currently disused, the garages have the potential to accommodate 3 cars which would also give rise to a level of activity in close proximity to the existing dwellings. Moreover, the proposal is for a one bedroom dwelling and I consider that the associated activity levels of such a modest sized dwelling would not be so significant as to warrant dismissal of the appeal on this basis.

7. Nonetheless for the reasons given above, I find that the proposed dwelling would materially harm the living conditions of the occupiers of adjacent properties and find conflict with Policy GP2 of the Yorkshire Dales Local Plan (2006) (YDLP) and Policy HDP2 of the Yorkshire Dales Housing Development Plan 2012-2025 (2012) (YDHP) which seek, amongst other things to ensure development does not have an unacceptable impact on neighbouring amenity.

Living conditions – future residents

8. By virtue of the site's topography, which rises towards the railway line at the rear, the proposed dwelling would be enclosed on three sides by a stone retaining wall. The bedroom window would look out directly onto the rear retaining wall which would significantly limit the aspect from this window. The resultant outlook would be bleak with an undue sense of enclosure unacceptably harming the living conditions of the occupiers.

9. The dwelling would be physically constrained by the retaining wall with the only amenity space located to the front of the dwelling measuring approximately 4.5 metres in depth. This space would also be used as a driveway and would be overlooked by the rear windows at No 4 and 6. It would not therefore be sited so as to serve its purpose as useful amenity space. Its limited size and location would render it an unsuitable area of private amenity space.

10. I therefore conclude that the proposal fails to provide adequate living conditions for future occupiers and find conflict with Policy GP2 of the YDLP in this regard, which seeks, amongst other things, to ensure that development provides an adequate level of amenity for future occupants.

Other Matters

11. I acknowledge that there would be benefits of the proposed development, in particular that it would result in one additional dwelling. Other benefits include the support for local services, contributing to the mix of housing stock and the redevelopment of a brownfield site. I note that the Authority did not raise any objections to the design of the new dwelling and I have no reason to take a different view.

12. The appellant has drawn my attention to the shortfall in affordable housing delivery within the Yorkshire Dales National Park. The Authority has not disputed this matter. The appellant asserts that the dwelling would provide an

affordable home available for local occupancy in accordance with Policy HDP2 of the YDHP. However, affordable housing is defined in Annexe 2 of the Framework as 'social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market'. There is nothing before me to suggest that the proposed dwelling would be secured for these purposes. Nevertheless, I note from the officer report that the appellant has agreed to enter into a legal agreement to ensure the property remains available for 'local occupancy' which would be a benefit which attracts weight in favour of the proposal. However, for the reasons set out above, any benefits of the proposal would be significantly and demonstrably outweighed by the harms that the development would cause to the living conditions of both neighbouring residents and future occupiers.

13. I note that the Authority would require a legal agreement to secure the restriction of the occupation of the dwelling for local occupancy and the appellant's agreement to enter into such an agreement. Although no such agreement is before me, in light of my findings above in relation to the main issues, there is no necessity for me to consider this further.

14. Within their statement the Authority has referred to a number of emerging policies in the Draft Yorkshire Dales National Park Local Plan. Whilst the document has been submitted for examination, it is yet to be found sound and so, having regard to paragraph 216 of the Framework, I give them limited weight.

15. The appellant has drawn my attention to the recently constructed railway hut and argues that the proposal would be of more community benefit. However, the two schemes are not directly comparable being for different uses. In any case, I have considered the appeal on its own merits.

16. The appeal site lies within the Yorkshire Dales National Park which is recognised by its national designation for its landscape character and scenic beauty. In addition to the statutory duties for National Parks, the Framework makes it clear that great weight should be given to conserving that landscape and scenic beauty noting that National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of landscape protection. The Authority has not raised any objection to the proposed location and finds the visual impact of the dwelling acceptable and I am inclined to agree. The proposal would therefore conserve the landscape and scenic beauty of the National Park.

Conclusion

17. For the reasons given above and taking into account all other matters raised I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR