
Appeal Decision

Site visit made on 16 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 10 February 2017

Appeal Ref: APP/E2001/W/16/3158552

Stable Cottage, The Green, Bishop Burton, East Riding of Yorkshire

HU17 8QA

- 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 Trevor Thomas against the decision of East Riding of Yorkshire Council.
 - The application Ref: DC/15/00264/PLF/EASTSE PP-03939927, dated 27 January 2015 was refused by notice dated 16 March 2016.
 - The development proposed is described as alterations and extensions to existing dwelling house – erection of single storey and first floor extension, erection of boundary wall and access gates, incorporating change of use of outbuilding of Westfield Farm to residential accommodation.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Captain and Mrs Scott against the appellant. This application will be the subject of a separate Decision.

Procedural Matters

3. The proposed development was amended during the application process and a revised description was agreed. That description is *change of use of outbuilding within the curtilage of Westfield Farm to residential in connection with Stable Cottage, erection of ground floor extension to Stable Cottage and construction of boundary wall and access*. The main change was to remove the first floor extension from the description and application. Consultees were advised about the revised proposal and the Council determined the scheme on the basis of the revised details. As such, there would be no prejudice from my consideration of the revised scheme. I shall therefore determine the appeal on the basis of the revised description and plans.
 4. Since the appeal proposal was determined by the Council the policy basis has changed in that the Beverley Borough Local Plan and the Joint Structure Plan have been superseded following the adoption of the East Riding Local Plan Strategy Document. Thus the policies referred to in the reason for refusal no longer carry weight. The Council advise that the most relevant policy of the
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new Local Plan is Policy ENV1. It is incumbent on me to determine the appeal proposal in light of current policy.

Preliminary Matters

5. The Officer Report confirms that the host property is a listed building (being part of the curtilage of Westfield Farm a grade II listed building). Listed building consent has been granted for the appeal proposals.
6. Despite neighbours' concerns about the suitability of the fabric of the building for conversion, which is dealt with in the listed building consent, this is a matter that is not a matter before me. Should the approved scheme not be feasible in terms of that consent that would be a matter for the listed building consent regime. The structural safety of the final development would be addressed through the Building Regulation Consent regime. Matters relating to the structural safety of the outbuilding at Red House would be a matter of civil law.
7. Concerns regarding the impact on the listed building (i.e. Westfield Farm and its curtilage buildings) will have been assessed by the Council in its determination of the listed building consent and the Council's determination that the scheme is acceptable in this regard is material to this case. Given that the conversion of the existing stable would create an active use for this part of the listed building which should secure its future in a use suitable to its location and which would preserve its historic form, this element of the scheme no doubt weighed in favour of the scheme. Moreover, in light of the extant consent, which is a material consideration, I shall not address this matter further.
8. I am mindful that the appeal site is situated within the Bishop Burton Conservation Area, the impact on which neighbours and the Parish Council raise as a matter of significant concern. The Council, in determining the listed building consent, considered whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area. It seems that the Council has concluded that the character and appearance of the Conservation Area would, at least, be preserved. Given the material weight I should attach to the listed building consent in this regard, it is not appropriate address this matter further.

Main Issue

9. In view of the fact listed building consent has been granted and the impact on heritage assets found to be acceptable, the main issue in this case is the effect of the proposed development on the living conditions of the occupiers of the host property and Linhay, having particular regard to external space for the host property, privacy and outlook.

Reasons

Living Conditions

External Space

10. The appeal property is a linear building, much of which was originally a range of agricultural outbuildings which have been converted to residential use. It

has a relatively modest street frontage but runs in depth, stepping uphill to the rear following the original buildings which themselves follow land levels.

11. The northern wall of the appeal property forms the southern boundary of the garden serving the Red House. The garden to the appeal property is, thus, entirely to the south of the appeal dwelling and the stable to be converted. This garden area is a relatively narrow strip enclosed to the south by a fence and planting between this property and the dwelling Linhay.
12. The appeal proposal would use part of this narrow strip of garden to form a largely glazed corridor along about half of the depth of the rear part of the building. This new corridor would link into the proposed extension. That extension would double the width of the original building. Externally it would have a double gable roof form. The stable to be converted is at the far end of the range, on the opposite side of the proposed extended living room to that of the proposed glazed corridor. The historic layout of the building would be retained for the section of listed building that is to be converted. To facilitate the scheme the eastern boundary wall would be removed, the external space reconfigured and a new curtilage area created by enclosing part of the existing driveway which currently gives access beyond this property to the farm which it seems would be accessed from the Cherry Burton road.
13. The garden area immediately to the rear of the road frontage section of the house (the sitting room on the plan) would be narrow, just wider than the door to the garden. Due to the height of the proposed wall, orientation and width of the remaining space, it would be enclosed and overshadowed by built development. However, the garden would widen out deeper into the site although much of the wider part of the curtilage/garden would be utilised for vehicular parking.
14. Thus, there would be relatively modest external space for the proposed enlarged and extended dwelling, and particularly so given it would change from a one bedroom one sitting room property to three en-suite bedrooms with two sitting/living areas and so potentially accommodate significantly more people than at present. There would be adequate space for the occupiers of the property to undertake day to day activities of sitting out, drying clothes and so forth. However, I am mindful that there is potential for more people to be accommodated on site and they would be likely use the main garden area (that not to be used for parking) which is enclosed and close to Linhay. Thus, there is likely to be greater activity close to the neighbouring house than is likely to happen at present.
15. However, the extended and enlarged property would remain a residential use which is appropriate to this location. On balance, I do not consider that the 'overdevelopment' concerns which are raised by the Council justify withholding planning permission for the scheme that is before me.

Privacy and Outlook

16. There is a boundary fence and foliage/planting between the appeal property and Linhay. However, the taller vegetative screening feature is impermanent and could be removed or die from natural causes at any time and I could not impose a condition in respect of its retention in perpetuity.

17. In order to ensure adequate privacy would be provided for the occupiers of the appeal property and Linhay a 2.4 metres wall is proposed between the properties. This would be required because the proposed glazed link corridor would be close to the neighbouring property and the proposed living room extension would also be relatively close and that extension would have large patio windows and would be situated with its floor level at a greater height than the floor level for the rear of Linhay such that without the proposed wall there would be likely harm to privacy. I also note that the relationship of glazed openings to the boundaries fails to accord with the Council's Design Guidance for House Extensions recommendations, although the proposed wall is sought to mitigate concern about proximity of windows.
18. However, the proposed 2.4 metre high wall would be situated close to the kitchen window of Linhay. Although this window overlooks Linhay's garden, the boundary curves inward, and so in front of this kitchen window. In my view, the proposed 2.4 metre high wall would result in a visually dominating and oppressive boundary treatment, which due to its proximity to the kitchen window at Linhay would result in an overbearing and harmful form of development. Whilst I accept that, due to the orientation of the proposed wall and window, it is unlikely that there would be any overshadowing this does not diminish the unacceptable harm the wall would create in terms of visual intrusion. I appreciate that the current vegetative screen is tall but due to its form it does not have the imposing visual impact that a brick wall would have. The relationship between the proposed boundary wall, because of the adverse impact on living conditions for the occupiers of Linhay would not represent good design. However, without the proposed boundary wall I am not satisfied that acceptable levels of privacy would be provided.

Conclusion on Living Conditions Matters

19. Whilst the proposed development would provide adequate living conditions for the future occupiers, I conclude that the boundary wall needed to ensure acceptable levels of privacy between the proposed development and Linhay would have an adverse impact on living conditions for the occupiers of Linhay. This is because of the visual intrusion that would be created by the proposed wall in close proximity to the kitchen window at Linhay. As a consequence, I conclude that the proposed development would fail to accord with Policy ENV1 of the new Local Plan which requires that a good standard of amenity should be achieved for existing and future occupiers.
20. Furthermore, the proposal would be contrary to one of the core planning principles of the National Planning Policy Guidance which is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

21. Concern is raised by the occupier of Barn House that the lower part of the private drive between the highway and buildings might be damaged by the development. However, this is a civil law matter rather than one for my consideration in dealing with this appeal.
22. Concern is also raised about safety during development because of the access arrangements. However, I saw that the access gives way onto a narrow access road where the situation necessitates a natural calming of traffic speeds. As

such, reasonable caution is likely to be adequate to prevent accidents. Moreover, no highway objection has been raised in respect of the scheme.

23. Whilst a neighbour raises concern about the determination of the listed building consent, this is not a matter for my consideration in respect of this planning appeal.

Conclusions

24. For the reasons set out, and having had regard to the other matters raised, I conclude that the appeal should fail.

Zoë Hill

Inspector