
Appeal Decision

Site visit made on 7 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/N2739/W/16/3159774

Land adjacent Elmstone House, Low Street, Carlton, Selby North Yorkshire DN14 9LP

- 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 Michael Townend against the decision of Selby District Council.
 - The application Ref 2015/0814/FUL, dated 10 July 2015, was refused by notice dated 22 March 2016.
 - The development proposed was originally described as '*Resubmission of application ref No 2014/0550/FUL erection of a dwelling and an ancillary outbuilding*'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling and an ancillary outbuilding at land adjacent Elmstone House, Low Street, Carlton, Selby North Yorkshire DN14 9LP in accordance with the terms of the application, Ref 2015/0814/FUL, dated 10 July 2015, subject to the attached schedule of conditions.

Procedural matters

2. Reasons for refusal 1 and 2 as set out in the Council's decision notice relate flood risk. The Council stated that the proposed development did not represent sustainable development in that it would have a negative environmental role due to impact on flood risk areas and that the proposal failed the Sequential Test. The Council subsequently withdrew these reasons in the light of comments from the Environment Agency and has not provided any evidence to support the reasons. After reviewing the evidence before me, I am satisfied that the relevant policy requirements in respect of flood risk are met and I therefore do not address this matter in the reasoning below.
3. Whilst I have used the description of development in my decision above as set out in the application form, I have deleted words which do not describe an act of development.

Main Issue

4. The main issue for the appeal is the effect of the proposed development on the character and appearance of the area.
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Reasons

5. The appeal site is situated within the defined settlement limits for Carlton and consists of part of a paddock which forms a gap within the otherwise built frontage of this part of Low Street. I saw at my site visit that there are two storey dwellings to either side of the paddock.
6. The Carlton Village Design Statement Supplementary Planning Document 2012 (SPD) seeks to provide a record of local distinctiveness of the village. The SPD describes the wide variety of house designs, plot sizes, materials and architectural detailing found on Low Street and its wavering building line, which I saw during my site visit. I also noted that there is some uniformity in the predominance of brick and clay pan tiles used on the street and that the scale of buildings has a maximum of two storeys.
7. The proposed dwelling would be of a cruciform shape. It would have centrally positioned projecting two storey gables to the front and rear of the one and half storey main body of the dwelling. The projecting gables would include large areas of glazing and to either side, would be positioned ridged dormers. The proposed dwelling, which I understand would be kit built, would be of a contemporary appearance.
8. The scale of the proposed dwelling is such that it would appear in the street scene as a large dwelling in terms of its height at both ridge and eaves levels, depth and width. However, I consider that its scale and massing would not be so great so as to be discordant with nearby dwellings. The building has been designed with a significant degree of articulation and therefore I do not consider that it would have a 'squarish' appearance, nor be unduly imposing in the street scene. In this regard, I note that the proposed dwelling would be set in from the site boundary and that significant gaps would be maintained to the dwellings to either side. Whilst the proposed building would have deep flank walls, given the set back of the dwelling and the depth of the plot, I do not consider it would appear out of scale.
9. In terms of the design details, although the building would lack details such as lintels, I do not find the two and one and a half storey combination with relatively large dormers to be unacceptable. In regards to materials, it is proposed that the building is largely finished with brick, with areas of timber cladding and slate roof tiles. Whilst the use of timber panelling is not characteristic of the area, there would be extensive use of brick which would reflect the dominant material in the area. The use of slate for the roofs would be discordant with the predominant roofing materials in the area, though if I were minded to allow the appeal, this could be the subject of a planning condition. The contemporary design would therefore not be out of place given the variety of house designs on the street.
10. The appeal proposal includes a mono pitched garage/games room/ store to the rear of the appeal site which would span most of the width of the site. The building would be constructed in brick, with timber panelling and profile sheeting. Whilst the building would be relatively large, it would be screened from the rear by a substantial conifer hedge, with views from the street being restricted by the proposed dwelling. Whilst the proposed outbuilding would add to the overall bulk of development on the site, I do not consider that it would have a significantly harmful effect upon the character or appearance of the area.

11. To conclude on this matter, I find that the proposed dwelling of a contemporary appearance would not have an unacceptable effect on the character and appearance of the area, given the identified variety in the design, scale and appearance of dwellings on Low Street. The proposal therefore does not conflict with Selby District Local Plan Adoption Draft Part 1 General Policies 2005 saved Policy ENV1 which is concerned with development achieving a good quality, including the effect upon the character and appearance of the area. The proposal also does not conflict with the Selby District Core Strategy 2013 Policies SP2, SP4 and SP19 which are concerned with amongst other things, the Spatial Development Strategy, sustainable development including that proposals must relate sensitively to the existing form and character of the village and be of an appropriate scale and design quality. I also find that the proposal does not conflict with the SPD or the design policies of the National Planning Policy Framework (the Framework).

Conditions

12. I have reviewed the conditions suggested by the Council against the Framework and PPG and have revised some of those suggested in the interests of clarity and to accord with national policy and guidance. I have imposed conditions regarding timescale and specifying the approved plans to provide certainty. I have also attached a condition regarding the submission of external building materials in the interests of the character and appearance of the area. Additionally, I impose conditions regarding access, parking and the provision of a site compound in the interests of highway safety. I also attach a condition in respect of contaminated land in the interests of preventing pollution. Conditions are also attached regarding measures related to flood risk in the interests of flood prevention, waste and recycling facilities to prevent pollution and foul and surface water drainage to prevent flooding and pollution.

Conclusion

13. For the above reasons and having considered all matters raised, I conclude that the appeal should be allowed.

Philip Lewis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOCO1 location plan; PD15/47A Planning Layout; Proposed Plans Sheets 1 of 2 and 2 of 2
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 10 days of the report being completed and approved in writing by the local planning authority.
- 5) No development shall commence until plans showing details of the site access and parking arrangements have been submitted to and have been approved in writing by the local planning authority. The submitted details shall include details of any gates or barriers, measures to prevent surface water discharging onto the highway and the provision of visibility splays to achieve 45 metres measured along both channel lines of the major road (Low Street) from a point measured 2.4 metres down the centre line of the access road. The approved details shall be implemented prior to the first occupation of the dwelling hereby approved and shall be maintained thereafter.
- 6) There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

- 7) The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment by Flood Risk Consultancy Ltd dated 9 July 2015 and the implemented measures maintained thereafter.
- 8) The dwelling shall not be occupied until provision is made on site for the storage of waste and recycling, the details of which have been submitted to and approved in writing by the Local Planning Authority. The waste and recycling facilities shall be maintained thereafter.
- 9) No development shall take place until full details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works, have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and maintained thereafter.