
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: 02 March 2017

Appeal Ref: APP/N2739/W/16/3163859

Three Arches, Cliffe Common, Cliffe, Selby YO8 6PA

- 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 A Harker against the decision of Selby District Council.
 - The application Ref 2016/1061/FUL, dated 2 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is described as 'revised replacement dwelling including proposed extension to rear of dwelling to form swimming pool and to side to form dining area'.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling including proposed extension to rear of dwelling to form swimming pool and to side to form dining area at Three Arches, Cliffe Common, Cliffe, Selby YO8 6PA in accordance with the terms of the application, Ref 2016/1061/FUL, dated 2 September 2016, subject to the attached schedule of conditions.

Procedural matters

2. Planning permission has been granted for the development of a replacement dwelling at the appeal site and I saw at my site visit development was taking place, with the dwelling under construction being largely complete. The appeal proposal seeks to add a swimming pool extension to the rear of the approved dwelling and an extension to the side for a dining area. I have dealt with the appeal on a part retrospective basis. 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

3. The main issue for the appeal is the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. The appeal site contains the large dwelling under construction, situated within extensive grounds within the countryside. I saw at my site visit that the appeal site is set back from the public highway behind intervening agricultural land. The surrounding area is predominately farmed land which includes a scattering of farmsteads and large dwellings, with other larger agricultural and industrial structures visible in the wider landscape.
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5. Selby District Local Plan Adoption Draft Part 1 General Policies 2005 (Local Plan) saved Policy H13 is concerned with replacement dwellings in the countryside. Saved Policy H13 sets 5 criteria for the assessment of proposals for replacement dwellings. The criteria in dispute are H13 (4), which sets out that the size and scale of the proposed replacement would be similar to the original dwelling and be no more obtrusive in the landscape and H13 (5), which sets out that the design and materials of the proposed dwelling would be appropriate to the character of the area.
6. Although I have few details before me of the original dwelling on the site, the Council's evidence indicates that the approved dwelling, whilst being of a similar height to the original, is appreciably wider, deeper and larger in volume. The appeal scheme seeks two additions to the approved dwelling. Firstly, it is proposed that a single storey extension is added to the rear of the dwelling to house a swimming pool. This extension would be finished in natural stone with natural slate pitched roofs in a design to match the approved dwelling. The proposed swimming pool extension would be a substantial addition to the approved dwelling in terms of its length, width and footprint. The second element of the appeal scheme is a flat roofed single storey side extension with painted render walls.
7. I consider that the proposed swimming pool extension, despite the screening effects of the boundary hedge would be seen as a significant element of the dwelling. It would be largely seen however from nearby roads across agricultural land in middle and longer distance views. Although the dwelling under construction is appreciably bigger than that it replaces and whilst the proposed pool and dining area extensions would give rise to a significantly larger building still, I do not consider that the resultant building in its totality, set in spacious grounds, would be out of character with the large scale of dwellings and other buildings in the wider countryside. Consequently, I do not consider that the proposed swimming pool extension would be seen as an obtrusive addition to the building as approved previously within the context of the wider countryside. Due to the scale and location of the proposed dining room extension, I do not consider that it would be seen as an obtrusive addition to the dwelling in the wider landscape.
8. I have taken into consideration the Council's concerns about the design and appearance of the appeal scheme. Whilst I agree that the proposed dwelling would consist of a number of distinct elements, it would not appear as being either 'convoluted' or 'messy' within the wider countryside. Rather, it would be seen as a single large dwelling situated within spacious grounds, with some uniformity provided through the building materials and design elements.
9. To conclude on this matter, I do not find that the proposed development would have an unacceptable effect on the character and appearance of the countryside. The proposal does not conflict with the Selby District Core Strategy 2013 Policy SP19 which is concerned with design quality. I find that the appeal proposal conflicts with one element of criterion 4 of saved Local Plan Policy H13 in that the proposed dwelling in terms of size and scale would not be similar to the original dwelling, although in this regard, the permitted dwelling under construction is appreciably larger than that it replaces. Saved Local Plan Policy H13 is set out so that all criteria shall be met and therefore the proposal conflicts with this policy. However, given that I do not find the development would have an unacceptable harm to the character and appearance of the

countryside, I conclude that it accords with the development plan when read as a whole. Additionally, I do not consider that the appeal proposal conflicts with the design policies of the National Planning Policy Framework (the Framework).

Conditions

10. 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 attached a condition specifying the plans as that provides certainty. I have also applied a condition in respect of the site access in the interest of highway safety and a condition in respect of drainage in the interests of preventing pollution. I also attach conditions removing permitted development rights in respect of extensions and regarding approval of external building materials in the interests of the character and appearance of the area.

Conclusion

11. 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 be carried out in accordance with the following approved plans: D001C; D002B; D003C; D004C; D005C; D006C; D008C; D010C; D011B and D012B.
- 2) Prior to any above ground works to the exterior walls and roofs of the swimming pool and dining area elements of the approved dwelling, details of the materials to be used in their construction shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The dwelling hereby approved shall not be occupied until the access to the site has been set out and constructed in accordance with the details submitted to and approved in writing by the local planning authority. The details shall include:
 - a) The crossing of the highway verge.
 - b) That any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the highway.
 - c) Provision to prevent surface water from the site discharging onto the highway; and
 - d) That the final surfacing of the access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the public highway.All works shall accord with the approved details and be maintained thereafter.
- 4) The dwelling hereby approved shall not be occupied until details of drainage works for foul and surface water have been submitted to and have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be maintained thereafter.
- 5) Notwithstanding the provisions of Class A to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, shall be erected other than those expressly authorised by this permission.