
Appeal Decision

Site visit made on 21 March 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/N2739/D/17/3168325

Kimberley, Went Edge Road, Kirk Smeaton, Selby WF8 3JS

- 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 & Mrs M Lambert against the decision of Selby District Council.
 - The application Ref 2016/1280/HPA, dated 29 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is erection of a new double garage with games room above (amendment to previously approved scheme 2016/0898/HPA).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new double garage with games room above (amendment to previously approved scheme 2016/0898/HPA) at Kimberley, Went Edge Road, Kirk Smeaton, Selby WF8 3JS in accordance with the terms of the application, Ref 2016/1280/HPA, dated 29 October 2016, subject to the conditions set out in the Schedule to this decision.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

3. The proposed development would be within the Green Belt. Paragraph 89 of the Framework makes clear that the construction of new buildings should be regarded as inappropriate in the Green Belt except where among other things they comprise the extension or alteration of a building and does not result in disproportionate additions over and above the size of the original building.
 4. Moreover, Policy SP3 of the Selby District Core Strategy (2013) (CS) makes clear that in accordance with the Framework planning permission will not be granted for inappropriate development in the Green Belt unless the applicant has demonstrated very special circumstances exist. Thus, in this regard Policy SP3 of the CS is consistent with the Framework.
 5. I acknowledge the proposed development is a free standing building. However, it would be positioned directly to the side of the two storey dwelling within its domestic curtilage. Furthermore, even though there would be a gap of some 3 metres between the side elevations of the proposed building and the existing
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dwelling this gap is relatively small. Moreover, the building would provide a double garage for the parking of vehicles associated with the appeal dwelling with additional domestic floor space above. In my view, the proposed development is both physically and functional related to the appeal dwelling such that it can reasonably be treated as an extension to it.

6. The appeal property benefits from extant planning permission¹ for an extension to create a double garage with a games room above. The Council acknowledge that the approved extension is of the same size and scale as the proposed development. Furthermore, the Council have not suggested that the proposed development would be disproportionate to the original dwelling. The proposed development would not be as tall or wide as the appeal dwelling and would very much appear subordinate to it, thus I am satisfied that it would not result in a disproportionate increase in size of the original dwelling.
7. I have considered the numerous appeal decisions² and examples of development nearby quoted by both main parties. However, the full details of those cases are not before me and in any event, I have assessed the appeal on its merits with regard to bespoke site specific circumstances and the specific details of the development proposed.
8. Overall, for the reasons given, I am satisfied that the appeal proposal would comprise an extension to a building which would not result in a disproportionate increase in size of the original building. Therefore the proposed development would not be inappropriate development in the Green Belt and would accord with paragraph 89 of the Framework and Policy SP3 of the CS.
9. In reaching these conclusions I have noted the Council's concerns with regard to the effect of the proposed development on openness and the purposes of including land within the Green Belt. However, as I have found the proposed development would not be inappropriate development in the Green Belt it is implicit that it would not harm either the openness of the Green Belt or the purposes of including land in the Green Belt, thus I have not considered these matters any further.

Other Matters

10. The proposed development would be within the Kirk Smeaton Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area. The proposed development would appear subordinate to the appeal dwelling and is in keeping with the surrounding modern development. For these reasons, I consider that the proposal would have a neutral impact on the CA and therefore the character and appearance of the CA would be preserved.

Conditions

11. The conditions imposed are those which have been suggested by the Council. In addition to the standard timescale condition, I have imposed a condition

¹ Council Reference 2016/0898/HPA

² Appeal Decision References APP/N2739/A/09/2098212, APP/T0355/D/16/3158107 & APP/D3640/D/12/2178811 & APP/N2739/D/10/2120830

specifying the relevant drawings as this provides certainty. I have also imposed a condition which requires the materials to match those of the existing dwelling in the interests of safeguarding the character and appearance of the area.

12. I note the existing vehicular accesses. However, as the appeal proposal involve the creation of garages and alterations to the hardsurfacing as requested by the Council and the Highway Authority I have imposed conditions which require the access to be of the required safety standard and parking and turning areas put in place before the proposed development is brought into use all in the interests of highway safety.
13. Finally, given the proposed development would be within the Green Belt and the CA and the need to ensure sufficient off-street parking in the interests of highway safety I agree a condition is necessary to ensure the garages are not converted to additional domestic floorspace.

Conclusion

14. I have found the proposal would not represent inappropriate development in the Green Belt and thus, the proposed development would accord with the development plan and the Framework and with regard to all other matters raised I therefore conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans: Site Plan Drawing No 2202.04 B, Plans as Existing Drawing No 2202.02 and Plans as Proposed Drawing No 2202.03 B.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6c.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 5) There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of Went Edge Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6) No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Drawing Number 2202.04 B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7) Notwithstanding the provisions of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order), the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

END OF SCHEDULE