
Appeal Decision

Site visit made on 14 March 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/C2708/W/16/3165128

The Borrins, Rathmell, Settle BD24 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs G Evans against the decision of Craven District Council.
 - The application Ref 59/2016/17258, dated 1 August 2016, was refused by notice dated 29 September 2016.
 - The application sought planning permission for '*Proposed extension to form new kitchen and dining area; demolish existing detached garden room/store and erect detached garage and bike store*' without complying with a condition attached to planning permission Ref 59/2015/16225, dated 31 December 2015.
 - The condition in dispute is Condition 2 which states that: '*The approved plans comprise Drawings L3132 03 Rev B and L3132 04 received by the local planning authority on the 22 September 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment*'.
 - The reason given for the condition is: '*To specify the permission and for the avoidance of doubt*'.
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Decision

1. The appeal is allowed and planning permission is granted to vary condition 2 of planning approval Ref: 59/2015/16225 in accordance with the terms of planning application Ref: 59/2016/17258, dated 1 August 2016 and subject to the conditions set out in the schedule attached to this decision letter.

Background and Main Issue

2. The appeal follows the refusal of planning application Ref 59/2016/17258, dated 29 September 2016, which sought to vary Condition 2 of planning permission Ref 59/2015/16225 relating to the approved plans.
 3. The reason given by the Council for refusing to vary Condition 2 has two elements. Firstly, the proposed extension shown in the proposed amended plans would reduce the ratio of workspace at the appeal property further below 30%. Secondly, the external 'wraparound' appearance of the proposed extension would not be in keeping with the character and appearance of local rural buildings and would have an adverse effect on the character and appearance of the host building.
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4. Since the original application to vary the disputed condition was determined, the Council has calculated the level of reduction in the ratio of workspace at the property which the proposed variation of the condition would realise. This indicates a reduction from 28% to 27% of total floorspace. In light of this minor change, and having accepted a small shortfall in meeting the 30% target set in the Council's Supplementary Planning Document – The conversion of rural buildings to live/work units within Craven (SPD) in a previous approval to extend the host property, the Council has confirmed this as acceptable and no longer wishes to defend this aspect of its reason for refusal. Having considered the submissions of both parties on this matter, I am satisfied that this is no longer in dispute between the parties and is now acceptable.
5. Having had regard to the above, I therefore consider the main issue to be the effect of the proposed variation of Condition 2 on the character and appearance of the host building.

Reasons

6. The appeal site is located to the south of Rathmell and is adjacent to the road which runs between Rathmell and Wigglesworth. The appeal property is a detached live/work unit and is situated in open countryside. It has a number of additions, including three lean-to extensions and a more substantial extension to the north east of the original building. The north, west and south elevations of the property are visible in passing views from the public road whilst the east elevation faces a large tract of flat open countryside and is not visible from any public views in the immediate surrounding area. The proposed extension would be visible from the public highway when approaching the building from the south.
7. The Council confirms that policies within the Craven Local Plan are silent in relation to this specific proposal. As a result, in accordance with Paragraph 14 of the National Planning Policy Framework (the Framework), the proposal should be assessed against the relevant sections of the Framework. Paragraph 60 of the Framework states that: *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'* Furthermore, Paragraph 64 of the Framework states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*
8. The Council argues that the prevailing style of the development in the area in such circumstances comprises buildings with single storey lean-to extensions with mono-pitched roofs. The proposed extension would link two existing lean-to extensions on the eastern and southern elevations of the host property which would form a wrap-around extension. As a result, the proposed amendment to the approved plans would form a 'hipped roof' between the two existing extensions. The Council state that this would not be in keeping with the style of such rural buildings in the local area and would have a detrimental impact on the character and appearance of the building. Furthermore, it is argued that the proposed extension would be of a poor design as it fails to respect the traditional character of the original property.

9. I appreciate that the introduction of a 'hipped roof' and the resulting 'wraparound' extension to the property would not necessarily reflect a traditional, common or prevailing feature of rural buildings in the local area, such as a lean to extension. Furthermore, I note the large barn arch on the more visible west elevation of the building which the Council states as a sensitive modification to the building undertaken during its original conversion from a barn. However, I find that the proposed alteration would be small in scale and would have only a minor visual effect on the appearance of the building. It would mostly be glimpsed in passing views when approaching the site along the road from the south. Moreover, the extension would not result in any significant alteration to the south or east elevations of the property and it would not extend beyond the parameters of the existing building or extensions on those elevations.
10. The appellant refers to examples of similar developments which have been approved by the Council in other parts of the locality. I have had due regard to these. Notwithstanding this, I have determined this appeal proposal on its own merits and had regard to its particular context and circumstances.
11. With regard to the Council's point relating to poor design, I note that the external surfaces of the proposed extension would be constructed in materials to match the original building. Therefore, notwithstanding the limited visual impact of the 'hipped roof' and 'wraparound' element of the extension, I find that its small scale and use of matching materials would result in the proposal having no significant adverse effect on the character or appearance of the host building.
12. From all that I have seen and read, whilst the appearance of the building would change slightly, I find this would not be of such significance as to materially harm the character of the original building, notwithstanding the context of the additions already made to it. Furthermore, given the location of the host building and the position of the proposed extension, the scheme would only be glimpsed in passing views from the public highway. As such, I find that it would have no materially harmful effect on the appearance of the host building in that respect.
13. The proposal would create additional floorspace at ground floor level of the live/work unit for its occupiers, use sympathetic materials in its construction and would be of an appropriate scale to its context. Therefore, having given due consideration to the above matters I find that, on balance, the benefits of the scheme outweigh the limited harm I have identified.
14. Consequently, I conclude that the proposed variation of the disputed condition would have no significant harmful effect on the character or appearance of the host building. It would therefore comply with the relevant guidance set out within the Framework. Amongst other matters, this guidance seeks to ensure that development has no significant adverse effect on the character and appearance of the local area and the buildings within it.

Conditions

15. I have had regard to the conditions suggested by the Council and to those attached to the original planning permission Ref: 59/2015/16225. Where necessary, and in the interests of conciseness and enforceability, I have altered

the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).

16. The PPG makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
17. In addition to the standard implementation condition (1), I have imposed conditions specifying the approved plans relating to the development hereby approved (2) and detailing external surface materials (3) in order to provide certainty and in the interests of character and appearance respectively. Conditions (4) and (5) relate to the original planning permission Ref: 59/2015/16225 and have been imposed for the reasons stated above.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision letter.
- 2) The development hereby permitted shall be constructed in accordance with the following approved plans: Drawing No: L3132 03 Rev C and Drawing No: L3132 04 Rev A. The development shall be completed in accordance with the above approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the original building.
- 4) The garage approved by planning permission Ref: 59/2015/16225 shall be constructed in stone to match the existing property.
- 5) The workspace shown on Drawing SK ONE received by the local planning authority on 22 September 2015 relating to planning permission Ref: 59/2015/6225 shall be retained for its previously approved intended purpose.

END OF SCHEDULE