
Appeal Decision

Site visit made on 12 April 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 17 May 2017

Appeal Ref: APP/G2713/W/17/3168056

33 Crabmill Lane, Easingwold, North Yorkshire YO61 3DF

- 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 John Seeger against the decision of Hambleton District Council.
 - The application Ref 16/01902/FUL, dated 22 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is demolition of existing outbuildings and erection of a single storey two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the residents of 33 Crabmill Lane, with particular regard to the quality of the outdoor space, and whether the proposal would provide adequate outdoor space for future occupants.

Reasons

3. The appeal site comprises land to the rear of 33 Crabmill Lane, and is located within a predominantly residential area. The proposal would divide the plot and create a new single storey dwelling which would take its access from Central Avenue. I note that the Council considers the location of the site to be acceptable in principle for residential development, and I agree with that position.
 4. An extant planning permission exists on the appeal site (Ref 16/00410/FUL) which proposes a single dwelling with one bedroom. That proposal would divide the plot so as to leave No 33 with a garden area measuring approximately 11.5m wide by 4.5m deep at its most narrow point. The appeal proposal would reduce this depth by approximately 1m to around 3.5m deep, leaving a significantly narrower area of usable land.
 5. The west gable of the permitted new dwelling, on the side nearest to No 33, would measure just over 4m wide, whereas the currently proposed west gable would measure approximately 7m wide. This would be a substantial increase in area which, in conjunction with the decrease of 1m in depth to the outdoor space, would result in a harmful loss of outlook and feeling of confinement for occupants when using the remaining rear garden at No 33. I agree with the
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Council that the infilling of the previous L-shaped design would produce a materially greater degree of enclosure.

6. The Council has also raised concern in respect of the outdoor space allocated for the development. This space would be long and narrow, and much of it would be taken up by the proposed car parking space. In its favour, the garden area would be south-facing, benefiting from plenty of sunlight, and would be relatively private. However, there is no indication on the plans of where bins would be stored. Were these to be kept within the garden area, they could significantly reduce the quality of an area that would already be constrained by its somewhat limited size.
7. With sensitive landscaping and siting of bin storage, I consider that it would be possible to provide adequate outdoor space for the occupants of the modest new dwelling. However, in view of the lack of detail, I am unable to be certain that this would be achieved. However, this matter is not determinative, as I have found the proposal to be unacceptably harmful to the living conditions of the residents of No 33, for the reasons given above.
8. As a result, I conclude that the proposal would fail to comply with Policy DP1 of the Hambleton Local Development Framework Development Policies (February 2008), which requires that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and must not unacceptably affect the amenity of residents or occupants. It would similarly fail to comply with the National Planning Policy Framework, which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. I have taken into account the personal circumstances of the appellant, who intends to occupy the development in the future. The appellant states that a second bedroom would be needed to accommodate a carer or friend, which would increase the size of the new dwelling in comparison to the development that has been permitted. However, although such circumstances can be a material consideration in planning decisions, it is necessary to bear in mind that personal circumstances can change over time. The appeal scheme, if permitted, would be a permanent feature. Consequently, I can attach only limited weight to this factor.
10. The orientation of the windows of the new dwelling would ensure that the privacy of the remaining garden at No 33 would be maintained. Also, overshadowing of this area would be avoided by the siting of the new dwelling to the east of No 33. However, these benefits would not outweigh the harm to living conditions at No 33.
11. I accept that the appeal site is already occupied by an outbuilding, but the existing garden remains usable and generous in size. Whilst the inefficient use of land is to be avoided, this aim would not strike an acceptable balance with the harm I have identified. The provision of a dwelling to the housing supply is to be given some weight, however modest, but this benefit would be insufficient to justify the identified harm. I note that no issues have been raised in respect of the living conditions of neighbouring occupiers, and I have had regard to the letter of support for the proposal. However, these matters have not led me to a different conclusion.

12. For the reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR