
Appeal Decision

Site visit made on 8 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/N2739/D/17/3170186
33 Sherburn Street, Cawood, Selby YO8 3SS

- 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 Troy Owen against the decision of Selby District Council.
 - The application Ref 2016/1089/HPA, dated 10 September 2016, was refused by notice dated 12 December 2016.
 - The development proposed is demolition of existing garage and erection of replacement two storey garage with store accommodation to first floor.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of replacement two storey garage with store accommodation to first floor at 33 Sherburn Street, Cawood, Selby YO8 3SS in accordance with the terms of the application, Ref 2016/1089/HPA, dated 10 September 2016, subject to the following 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: site plan dated 10/09/16 and drawing detailing the existing and proposed floorplans, elevations and sections dated 14/09/16.
 - 3) The development hereby approved shall remain ancillary to the existing dwelling and shall not be occupied separately to the existing property.
 - 4) The materials to be used in the construction shall match those used in the existing building.
 - 5) Aside from the garage and storage area, the ground floor of the new building hereby approved shall have a ground floor level no less than the existing dwelling and details of a scheme of flood resilience measures shall be submitted to and approved in writing with the planning authority prior to commencement of work. The scheme shall be implemented in accordance with the approved details.
 - 6) 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
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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.

Procedural Matter

2. For reasons of clarity I have used the description of development as set out on the appeal form and decision notice.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the Cawood Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of the neighbouring property at No 31 Sherburn Street in relation to outlook.

Reasons

Character and appearance

4. The appeal property is located within the Cawood Conservation Area. I saw on my site visit that this comprises a mix of building styles and scales with some buildings dating from around the mediaeval period. The appeal dwelling and other properties along the street front directly onto a narrow pavement and the road. I saw on my site visit that Sherburn Street consists predominantly of a continuous frontage of small two storey houses on both sides of the road, with a small number of gaps for vehicle access between some buildings.
5. The proposal relates to the replacement of an existing dilapidated single storey garage sited within the rear garden of the host dwelling with a two storey building to include storage accommodation at first floor. The Council's main concern relates to the pitch of the roof and its overall height.
6. I observed on visiting the site and surrounding area that two storey outbuildings with pitched roofs located in rear gardens are not uncharacteristic structures within the locality, as I observed during my site visit. I saw some examples of these through the gaps between dwellings when walking along Sherburn Street. Furthermore the garage would be significantly set back within the rear garden of the site on the footprint of the existing structure and would be screened from the main road to a large extent by a large gate. Whilst it would be higher than the existing flat-roofed building, within the

context of the existing ridge heights of buildings surrounding it, it would not appear out of keeping with the character of the area. Indeed the redevelopment of the rather unsightly existing structure would improve the appearance of the site.

7. I am mindful that the National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment.
8. Taking the above into account I consider that the building would not be unduly prominent or uncharacteristic within the locality. Consequently I conclude that the proposal would preserve the character and appearance of the Cawood Conservation Area. The proposal would therefore be in accordance with the Framework in this regard and would comply with Policy ENV1 of the Selby District Local Plan (2005) (LP) which seeks good quality development that includes taking account of local character and LP Policy ENV25 which seeks development that preserves or enhances the character or appearance of the conservation area. It would also accord with Policy SP18 of the Selby District Core Strategy Local Plan (2013) (CS) which seeks to protect and enhance the environment and CS Policy SP19 advocates that proposals are of high quality design.

Living conditions

9. The garage would be sited adjacent to the shared boundary with No 31 Sherburn Street which has a tall brick wall around 4m in height along the majority of its length.
10. I recognise that the ridge height of the proposed building at around 5.7m would be taller than the existing wall. However the roof would have a sloping pitch so the highest point would be further away from the boundary. Furthermore the height of the shared boundary wall would be reduced to around 2.7m for a length marginally longer than the proposed garage. Taking these factors into account it is my view that the resultant development would not be overbearing. Indeed having visited No 31, I consider that the proposal would improve, to some extent, the existing excessively enclosing nature of the wall when viewed from within the garden.
11. Consequently, taking the above factors into account I conclude that the proposal would not cause material harm to the living conditions for neighbouring residents at No 31 Sherburn Street. The proposal would therefore be in accordance with LP Policy ENV1 of the Selby District Local Plan (2005) (LP) which seeks good quality development that takes account of the amenity of adjoining occupiers. It would also comply with the Framework which seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings.

Other matters

12. The appeal site backs on to the Cawood Castle Garth, Gardens and Fishponds Scheduled Monument, separated by the Bishop Dyke. The Council does not object to the proposal on the grounds that it would cause adverse harm to this scheduled monument and based on the evidence before me I have no reason to disagree.

Conditions

13. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG) and impose them all. I am satisfied that the conditions set out in my decision meet the tests within the PPG.
14. A condition specifying the approved plans is necessary to ensure certainty. In addition a condition requiring the use of matching materials to be used is necessary to protect the character and appearance of the area.
15. To ensure that the living conditions of existing and neighbouring occupiers will be acceptable I impose a condition restricting use of the building to purposes ancillary to the main dwelling. I also attach a condition requiring the provision of a contamination scheme to protect living conditions of occupiers and to minimise environmental risks. I also agree that a condition regarding floor levels is necessary to protect against flooding.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the proposal accords with the development plan and Framework when read as a whole and the appeal should be allowed.

Y Wright

INSPECTOR