
Appeal Decision

Site visit made on 3 May 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/N2739/W/17/3168311
43 Acorn Close, Barlby, Selby YO8 5UT

- 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 Alan Wright against the decision of Selby District Council.
 - The application Ref: 2016/1268/FUL (8/16/229C/PA), dated 28 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide suitable living conditions for the occupiers of the proposed new dwelling and the existing house, with particular regard to external amenity space.

Reasons

Character and appearance of the area

3. When read together Saved Policy ENV1 of the Selby District Local Plan 2005 (DLP) and Policy SP19 of the Selby District Core Strategy 2013 (Core Strategy) seek to ensure that new development is of a high standard of design that has regard to the local character and context of its surroundings; makes a positive contribution to the identity of an area; and makes the best use of land without compromising local character. Core Strategy Policy SP8, which is also referred to in the reason for refusal, requires that residential development reflects the type and sizes of dwellings identified as being required whilst having regard to the existing mix of housing in the locality.
 4. The appeal site is a roughly triangular area of land that forms part of the large garden of number 43 Acorn Close. The street slopes downhill from Howden Road and comprises later Twentieth Century properties arranged around a series of short culs-de-sac, with bungalows in the upper part of the street and two storey houses in the lower parts. Immediately to the east of the appeal site, numbers 44-49 Acorn Close are a later insertion of detached bungalows.
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5. The architecture of the estate is relatively simple in form, with parking located to the side of the dwellings creating a fairly regular spacing between buildings. The use of uniform materials and common design features, such as bay windows, results in a cohesive street scene. The area is also characterised by the properties having small front gardens and larger private amenity spaces to the rear. The large side garden of number 43 provides an element of openness within an otherwise fairly uniform and built up street scene. It is prominently located next to junctions in the road and is on a direct line of sight when entering Acorn Close from Howden Road.
6. This openness is reinforced by the wide grass verge between the footway and the carriageway on the opposite side of the road and creates a variation in the built form around the junctions in the road that is part of the sequence of spaces within the cul-de-sac. The development of the site would erode this open appearance and disrupt the sequence of spaces which would be harmful to the street scene.
7. The proposed bungalow would have a similar length of frontage to donor property and other detached bungalows on the estate and would incorporate similar architectural features. However, due to the plan form required to accommodate the building on the triangular site, it would have a shorter main ridge to the roof and the secondary ridge over the bedroom area would result in a roof form that is inconsistent with the simpler roof forms on the surrounding buildings. This inconsistency would be exacerbated by the prominent location of the proposed building.
8. I have noted that the appellant does not consider the architecture of the surrounding buildings to be noteworthy and I accept that proposed bungalow incorporates similar architectural features to the dwellings in the surrounding area. Nevertheless, the character and appearance of the area are also derived from the disposition of the buildings around the road and the spaces that they form as well as the form and massing of the buildings themselves.
9. Whilst noting the appellants point that the eaves and ridge height are similar to adjacent houses, the location of the appeal site next to junctions and on a bend in the road places it in a direct sightline both when entering Acorn Close from Howden Road and when travelling west on Acorn Close. These factors combine to give the appeal site visual prominence within the street scene.
10. Due to the shape of the appeal site, its prominent location, and the position of the adjacent buildings it would also be apparent that the proposed development does not share the same configuration of small front garden with a larger amenity area to the rear that is evident on the other houses in the street. Taken together, these factors would not represent a high standard of design.
11. The Council do not address Policy SP8 of the Core Strategy in either the officer's report or their appeal statement. Although this policy relates more to housing supply rather than housing design, taken on the wording of the policy, I can see no conflict between the proposed development and the requirements of Policy SP8. This does not, however, lead me to a different conclusion in respect of the proposals compliance with Saved Policy ENV1 and Core Strategy Policy SP19.

12. I therefore find that the proposed development would be harmful to the character and appearance of the area. It would be contrary to the relevant requirements of Saved Policy ENV1 of the DLP and Policy SP19 of the Core Strategy which seek to ensure that new development is of a high standard of design that has regard to the local character and context of its surroundings; makes a positive contribution to the identity of the area; and makes the best use of land without compromising local character.

Living conditions of future occupiers and the occupiers of the existing house

13. It is not in dispute between the parties that the proposed development will not have any adverse effect on the living conditions of the occupiers of number 44 Acorn Close. I saw when I visited the site that whilst there is a window in the gable elevation of the adjacent bungalow at 44 Acorn Close, that this is a bathroom window as opposed to a window to a habitable room. I also saw that there is a fence approximately 1.8 metres high separating the appeal site from the adjacent bungalow. Whilst the separation distance between the proposed new bungalow and number 44 Acorn Close would be between approximately 5.2 metres to 6.5 metres, due to the height and relative positions of the buildings, the proposed new bungalow would not appear overly dominant or significantly reduce the daylight or sunlight received by the neighbouring property. Consequently I have no reason to disagree with the main parties on this point.
14. From the reason for refusal, the Council's principal concern is size of the proposed outdoor amenity area at the new dwelling and the reduction in the size of the outdoor amenity space of the donor property as a result of the subdivision of the curtilage.
15. Policy ENV1 of the DLP and Core Strategy Policy SP19 do not contain any standards or criteria in respect of the size of amenity areas required at residential properties and the Council have not submitted any evidence setting out what they consider would be acceptable. The appellant states that the new bungalow would have a garden area of approximately 147m² and that the donor property will retain a garden area of approximately 233m².
16. From what I saw when I visited the site, the retained garden area to the rear of number 43 would not appear unduly constrained and would be similar in size to the rear gardens of other properties in the surrounding area. Similarly, whilst the garden area for the proposed new bungalow would be an irregular shape due to the shape of the site; the footprint of the proposed building; and the need to accommodate off street parking, in quantitative terms, the amount of amenity space would be proportionate to the size of the dwelling. The ratio of developed to undeveloped area would also be similar to other properties in the immediately surrounding area. Although the proposal would introduce a new dwelling to the side of the existing property at number 43 this relationship is not significantly different to the situation that occurs elsewhere in the street.
17. In the absence of any substantive evidence to the contrary, the level of outdoor amenity area at both the donor property and the proposed new dwelling would, in my view, provide suitable living conditions for both the existing and future occupiers.
18. I therefore conclude that the proposed development would provide suitable living conditions for the occupiers of the proposed new dwelling and the

existing house, with particular regard to external amenity space. It would comply with the relevant requirements of DLP Policy ENV1 and Core Strategy Policy SP19 which seek to ensure that new development does not have an adverse effect on the living conditions of adjoining occupiers and has clearly distinguished private spaces. It would also be consistent with the requirements of the National Planning Policy Framework (the Framework), which seeks to ensure a good standard of amenity for all occupiers.

19. The reason for refusal also makes reference to Core Strategy Policy SP8. This policy is concerned with the mix of housing types delivered by new development and makes no reference to living conditions or the level of amenity space to be provided in connection with new housing and, consequently, I do not consider that it is relevant to this issue.

Other matters

20. Whilst some concerns have been raised by third parties in respect of additional traffic movements and parking, Acorn Close is a lightly trafficked street that is not a through route. Highway safety was not raised by the Council as an issue and I note that there were no objections to the proposal from the Highways Authority. There is no substantive evidence to show that proposed development would compromise highway safety or exacerbate parking problems in the area.
21. My attention has also been drawn to a recent development off Howden Road, close to the appeal site and I was able to see this when I visited the site as it is currently under construction. I do not have the full details of this case and so cannot be certain that the circumstances are comparable. However, although it has limited external space, I saw that the site of this development is within a recent development of new houses and in form it mirrors a garage block opposite. Consequently, I do not consider that it is directly analogous to the appeal before me.
22. It is common ground that the Council cannot demonstrate a deliverable five year supply of housing land. The appellant also suggests that the Council's Strategic Housing Market Assessment identifies that there is a particular demand for bungalows. Whilst this is not supported by any evidence, the statement is not contested by the Council. The Framework also requires that housing applications should be considered in the context of the presumption in favour of sustainable development.
23. Paragraph 14 of the Framework sets out that the presumption in favour of sustainable development means that for decision taking development proposals which accord with the development plan should be approved without delay. Whilst I have found that the proposed development complies with some elements of the development plan, I have found that it conflicts with those parts of Saved Policy ENV1 of the DLP and Core Strategy Policy SP19 that relate to the character and appearance of the area. In my view this is an important matter, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with other policies which are referred to above.
24. Although some benefits of the proposal have been identified in terms of short term economic benefits during the construction period, additional spending in the local economy and providing a small increase in the amount of housing

available in the area, as the proposal is only for one dwelling these benefits would necessarily be small in scale. The harm that the proposed development would cause to the character and appearance of the area would be permanent and substantial and would significantly and demonstrably outweigh the small scale benefits of the proposal.

Conclusion

25. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR