



Appeal Decision

Site visit made on 20 June 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/G2713/W/17/3171922

The Croft, South Back Lane, Tollerton YO61 1PU

- 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 Mrs M Hardy against the decision of Hambleton District Council.
 - The application Ref 16/01347/FUL, dated 3 June 2016, was refused by notice dated 20 September 2016.
 - The development proposed was originally described as an '*extension to The Croft to create a granny annex. Also new house on land to north east*'.
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Decision

1. The appeal is dismissed insofar as it relates to the new two storey dwelling on hard-surfacing to the northeast with vehicular access via the neighbouring private drive together with associated works. The appeal is allowed insofar as it relates to the extension to The Croft to create a granny annex and planning permission is granted for the extension to The Croft to create a granny annex at The Croft, South Back Lane, Tollerton YO61 1PU in accordance with the terms of the application, Ref 16/01347/FUL, dated 3 June 2016, and the plans submitted with it, so far as is relevant to that part of the development hereby permitted and 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 insofar as they relate to the extension to The Croft to create a granny annex: P/43-PL-00; P/43-PL-01; P/43-PL-02; P/43-PL-10 and P/43-PL-11.
 - 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) The first floor window on the rear (north west) elevation of the hereby approved extension shall at all times be glazed with obscure glazing and shall not be capable of opening.
 - 5) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Croft, South Back Lane, Tollerton YO61 1PU.

Procedural Matters

2. The description of the development given in the header above is taken from the original planning application form. I have however used a combination of the

wording from the application form and that found on the Council's decision notice in my decision as I consider it to more accurately describe the main elements of the proposal. In so doing, I am satisfied that the interests of the parties have not been prejudiced.

3. For the reasons that follow, I find the proposed extension to The Croft to create a granny annex to be acceptable and it is clearly severable both physically and functionally from the proposed new dwelling on hard-surfacing to the northeast. My attention has also been drawn to a separate planning permission¹ for the extension of The Croft to provide a granny annex and that matters relating to that element of the proposals are not a point of dispute between the main parties. I have taken these matters into consideration in the current instance. For the reasons set out below, I intend to issue a split decision in this case and grant planning permission for the extension to The Croft.

Main Issues

4. The main issues are:

- Whether the proposed development would preserve or enhance the character or appearance of the Tollerton Conservation Area; and
- The effect of the proposed development on highway safety, with particular regard to access.

Reasons

Character and Appearance

5. South Back Lane is a pleasant, narrow country lane which runs parallel to Main Street linking Newton Road to the northeast with Ings View to the southwest. There are handful of houses accessed from, and fronting on to, South Back Lane, of which The Croft is one, but the prevailing pattern of development is of large detached dwellings fronting Main Street, with lengthy rear gardens extending up to South Back Lane. This form and pattern of development is typical of both sides of Main Street and is a distinct characteristic of the Tollerton Conservation Area, the southern boundary of which runs along South Back Lane.
6. At either end of South Back Lane, the older and modestly proportioned cottages lie close to the lane, giving it an enclosed and somewhat intimate feel. However, in between, the character of the lane is more open and expansive. Here, the roadside verges open out on the northern side, backed by the long rear gardens of the Main Street properties, with open fields to the south providing more expansive views across open fields.
7. The Croft is somewhat of an exception to the more traditional vernacular found elsewhere on South Back Lane, its dormer-bungalow design sitting at odds with the cottages and converted former agricultural buildings and barns elsewhere along the lane. It is, however, unobtrusively sited well back into its plot and screened by a tall roadside hedge from South Back Lane. As a consequence it is only glimpsed through the existing driveway opening and in longer views

¹ 16/02697/FUL

from the northeast across the open roadside verge and beyond the single storey outbuildings of The Granary and The Old Hay Barn.

8. The proposed dwelling would, however, deviate significantly from the prevailing form and character of buildings along South Back Lane. It would be of a substantially greater scale than The Croft, or other dwellings fronting on to South Back Lane, being a full two storeys in height. It would also be set much further forward in the plot than The Croft, giving it a greater physical presence on South Back Lane. However, most significantly, its substantial and bulky two storey gable elevation would dominate views along South Back Lane from the northeast, where it would loom incongruously over the horizontally hung, timber-clad, hipped roofed single storey outbuildings at the rear of The Granary and The Old Hay Barn.
9. I accept that the proposed dwelling would reflect the character, appearance, detailing and proportions of properties fronting on to Main Street. In a different context, its design may well be appropriate. However, in this instance, the proposed dwelling would stand out along South Back Lane as an incongruous, out of scale and dominant addition to the South Back Lane streetscene. It would fail to respond positively to the modest scale, limited height and traditional vernacular of buildings along South Back Lane, and its physical presence and bulk would be at odds with the more open and expansive character of the middle portion of the lane, away from Ings View and Newton Road.
10. The proposal would, for the reasons set out, fail to accord with policies CP1, CP16 and CP17 of the Hambleton District Council Core Strategy (CS), and with policies DP28 and DP32 of the Hambleton District Council Development Policies Development Plan Document (DPD). Together, these policies seek to ensure development and design of the highest quality that respects, preserves and enhances the local context and man-made assets, of which the Tollerton Conservation Area is one such. For the same reasons, I also conclude that the scale, form and positioning of the proposed dwelling would fail to preserve or enhance the character or appearance of the Conservation Area.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework (the Framework) states that great weight should be given to the asset's conservation and that any harm or loss should require clear and convincing justification. It goes on to state that where a proposal would result in less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.
12. In the parlance of the Framework, the harm to the Conservation Area arising from the incongruously dominant scale of the proposed dwelling would be less than substantial. The proposal would provide an additional dwelling that, whilst I have no evidence before me regarding the Council's position with regard to a five year housing land supply, would nonetheless provide a boost, albeit limited, to housing supply in line with the Framework's aim of boosting significantly the supply of housing. I note, too, that the Council do not object to the proposal in terms of flood risk or drainage or with regard to the residential amenity of occupiers of neighbouring properties and that the

economic benefits of the proposal, although small scale, are acknowledged. The proposal would remove the large area of concrete hard standing, but this does not cause harm to the visual amenity, character or appearance of the Conservation Area. Collectively, these benefits are only neutral however, and do not outweigh the harm to the character and appearance of the Conservation Area that I have identified above, and to which I am required to give considerable importance and weight.

13. The Council's decision notice is quite clear in that the reasons for refusal relate to the development of a new dwelling on the land to the side of the existing dwelling at The Croft. It is also clear, having considered all the evidence before me that the matter of the extension to the existing dwelling is not a matter of contention between the parties. I have not been presented with any evidence that would lead me to reach a different conclusion in this respect, and I find that this element of the proposal would be an appropriately scaled and designed extension to an existing dwelling, and one which would preserve the character of the Conservation Area. In this respect, I am satisfied that this element of the proposal would accord with CS policies CP1, CP16 and CP17 and DPD policies DP1, DP28 and DP32. This does not, however, outweigh my findings in respect of the harm arising from the proposed dwelling.

Highway Safety

14. Vehicular access to the proposed dwelling would be taken from Main Street, to the north, via the existing gravel driveway that already serves a number of properties including Manor Close, the Old Haybarn and The Granary. The Council's concern appears to be two-fold in that, firstly, the geometry of the access road would make access to the site difficult due to limited space within the site, and that the unbound gravel surface would preclude easy access to the site for all potential users of the proposed development.
15. I disagree on both counts, however. Although the Council refer to the limited space available within the site, the proposed dwelling would, as already described, be set towards the front of the site. I am satisfied that there would remain sufficient space for an alternative parking and turning layout that could provide sufficient parking and turning space within the site. Such matters could, I conclude, be adequately and appropriately resolved by way of a suitably worded parking and manoeuvring condition.
16. With regard to inclusive access, although the proposed access to the site from Main Street is loose, unbound gravel, there is a bound, hard-surfaced pavement strip that runs along the length of the drive from Main Street to the point of proposed access into the site. In addition, whilst vehicular access would not be taken directly from South Back Lane, there would be pedestrian access directly to the lane, and which would provide a second point of access.
17. Thus, I am satisfied that the proposed development would provide a safe, satisfactory and inclusive access into the site. In reaching this conclusion, I have noted that the local Highway Authority did not object to the proposal in terms of access to the site from Main Street. Therefore I find no conflict with CS policy CP1 or DPD policy DP4 which, together and amongst other things, seek to avoid adverse traffic impacts and ensure safe and easy access is available for all.

Other Matters

18. Whilst the existing dwelling at The Croft is located within the development limits for Tollerton, the site of the proposed new dwelling would not. It is not a matter of dispute between the main parties that that particular portion of the site, although beyond the development limits for Tollerton, would relate well in physical terms to the services, facilities and transport links therein. I have noted the provisions of the Council's Interim Policy Guidance (IPG) regarding the principle of development beyond, but adjacent to, development limits and although it lends some support to the current proposal, this would not be sufficient to outweigh the harm that I have identified with regard to the character and appearance of the surrounding area.
19. My attention has been drawn to matters relating to access rights across and along the gravel driveway from which access to the site would be taken, and land ownership issues. These are not, however, material considerations to which I can attach any significant weight.

Conditions

20. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I have also noted the conditions attached to the planning permission previously granted² for the extension of The Croft to create a granny annex. Insofar as they relate to the element of the proposals hereby allowed, in addition to the time limit condition, I agree that conditions specifying the approved plans and external materials match those of the existing dwelling, are necessary in the interests of certainty and character and appearance, respectively.
21. The relationship between the proposed annex extension and the dwelling to the rear has not changed between the current proposal and the previously approved application. Therefore, although not suggested by the Council in this instance, I have attached a condition to ensure that the rear (north) facing first floor window is non-opening and fitted with obscure glazing in a similar manner to that on the previous permission.
22. I have not imposed the suggested conditions relating to parking arrangements, site compound details or landscaping requirements as I do not consider these to be fairly or reasonably related in scale to the element of the proposal hereby approved.

Conclusion

23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the dwelling, and allowed insofar as it relates to the extension to The Croft to create a granny annex.

Graeme Robbie

INSPECTOR

² 16/02697/FUL