



Appeal Decision

Site visit made on 11 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 17 August 2017

Appeal Ref: APP/N2739/W/17/3170953

The White Bungalow, Hazel Old Lane, Hensall, Goole DN14 0PZ

- 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 Michael Lawler against the decision of Selby District Council.
 - The application Ref 2016/0690/FUL, dated 7 June 2016, was refused by notice dated 22 September 2016.
 - The development proposed is demolition of existing bungalow and outbuildings and erection of new dormer style replacement dwelling and garage block.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and outbuildings and erection of new dormer style replacement dwelling and garage block at The White Bungalow, Hazel Old Lane, Hensall, Goole DN14 0PZ, in accordance with the terms of application Ref: 2016/0690/FUL, dated 7 June 2016, and subject to the conditions set out in the schedule attached to this Decision.

Procedural Matter

2. The reasons for refusal on the Decision Notice refer to Policy SP4 of the Selby District Core Strategy Local Plan 2013 (CS). Policy SP4 relates to the management of residential development in settlements and specifically refers to proposals within development limits. The proposal before me lies outside of the development limit for Hensall. As a result, I find that whilst Policy SP4 has some relevance in this case, Policy SP2 of the CS, to which the appellant has referred, is also relevant. Accordingly, I have given due consideration and weight to Policy SP2 along with all other relevant policies in determining the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is situated to the south of Weeland Road which runs through the settlement of Hensall. It is a large plot of land upon which is an existing single storey flat roofed bungalow with outbuildings. The site is outside of defined development limits for Hensall and is therefore in the open countryside in policy terms. To the north, and on the opposite side of Weeland Road, are large, single-storey and two-storey detached and semi-detached properties on spacious plots. To the east is an area of open land which allows some longer views of the appeal site from the east. To the west is Hazel Old Lane which is narrow and provides

access to the site and also leads to the property adjacent to the railway to the south of the site. To the west and south of the site are established trees and shrubs which provide a level of screening for the appeal site.

5. Policy H13 of the Selby District Local Plan (LP) relates to replacement dwellings in the countryside and provides criteria which development must meet. Criterion 4 of the policy requires that the size and scale of the proposed replacement dwelling would be similar to the original dwelling and be no more obtrusive in the landscape context. In addition, criterion 5 of the policy requires that the design and materials of the replacement dwelling are appropriate to the character of the area. Policy SP2 of the Selby District Core Strategy Local Plan 2013 (CS) also relates to replacement dwellings in the countryside, amongst other matters. Policy ENV1 of the LP and Policies SP4 and SP19 of the CS relate to the control of development, its impact on the character of the area and design quality.
6. The Council states that the proposed replacement dwelling would be significantly larger than the original dwelling due to its volume, bulk, height, size, scale, design, increased footprint, massing and addition first floor. As a result, it is argued that the new dwelling would have a greater visual impact in the locality. Furthermore, the Council argues that this would be detrimental to the character of this location in the open countryside and would therefore be contrary to the identified policies.
7. I appreciate that the proposal would be in the open countryside in policy terms and that it would be larger than the property it replaces. However, I note that the plot upon which the proposal would be built is large and spacious and that the replacement dwelling would be set back from Weeland Road. From what I have seen and read, particularly during the site visit, in my view the area around the appeal site does not have the character or form of the open countryside. Whilst the immediate area around the site is open to some degree, due to the properties located to the north and the established natural screening to the west and south of the site being relatively close, I find that the wider area around the appeal site creates a sense of enclosure. Furthermore, I note that the area is not without nearby residential and commercial development.
8. Having had regard to the scale, form and appearance of nearby properties and the context they provide, I find that the proposed dwelling would be similar in scale, height and appearance to some of those buildings. Notwithstanding the sense of enclosure I have found with regard to the wider area, the spacious and large nature of the appeal site and its immediate area would, in my view, allow for a larger replacement property without causing any significant adverse impact on character or visual amenity.
9. The Council argues that the proposed replacement dwelling and garage block would singularly and cumulatively create a visually prominent and dominant built form in the low-lying open countryside character of the locality and would have a harmful and urbanising impact on it. However, whilst the proposed buildings would inevitably be more prominent, I find that the visual impact would be diminished by the spaciousness of the site, the position of the dwelling on the plot, its distance from surrounding properties and public viewpoints and the dormer style of its design. As a result, I am not persuaded that the proposal would have a significantly harmful and urbanising impact on the setting of the proposal.
10. The proposed replacement dwelling would improve the visual amenity of the appeal site and it would appear more in keeping with the character and form of nearby two storey residential properties in the immediate locality in terms of its design, scale and materials. Moreover, it would have a pitched roof rather than a flat roof. It would improve the living conditions of the appellant's family who current reside

at the existing property and, I am led to understand, intend to live in the new dwelling. Furthermore, the proposed development would create a small number of local construction jobs.

11. The Council acknowledges that the principle of erecting a replacement dwelling in this location is acceptable and that such a development would accord with Policy SP2 of the CS. Therefore, on balance, having had regard to all of the above, I find that the social, economic and environmental benefits of the proposal would clearly outweigh the limited harm to the character, form and visual amenity of the area.
12. Consequently, I conclude that the proposed development would have no significant detrimental effect on the character and form of the surrounding area. Therefore, it would comply with Policies H13 and ENV1 of the LP and Policies SP2, SP4 and SP19 of the CS. Amongst other matters, these policies seek to ensure that development has no significant adverse effect on the character or appearance of its locality.

Conditions

13. The Council did not submit any suggested conditions for consideration in the event that the appeal was allowed. As a result, I have had regard to the Officer Report in which possible planning conditions have been suggested. 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.
14. In addition to the standard time condition (1), I have imposed conditions relating to the development being in accordance with the approved plans (2) and the clarification of external materials (3) in order to provide certainty and for reasons of character and appearance. I have also imposed conditions relating to vehicle access, turning and parking areas (4 and 5) which are necessary and reasonable to ensure a satisfactory means of access to the site and appropriate on-site vehicle facilities and for reasons of public and highway safety. Furthermore, I have imposed conditions relating to the potential risk of land contamination and any necessary remediation measures (6, 7, 8, 9 and 10). These policies are necessary and reasonable in the interests of the living conditions of future occupiers, biodiversity and to meet the requirements of Policy ENV2 of the LP and the Framework.
15. It is necessary that the requirements of Conditions 6, 7 and 8 are agreed prior to development commencing to ensure an acceptable development in respect of the living conditions of future occupiers and in the interests of biodiversity.

Conclusion

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

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- (1) The development hereby permitted shall begin not later than three years from the date of this decision letter.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 15891-1 – 'Existing Bungalow and Outbuildings'; Drawing Number: 15891-2 – 'Proposed Plans, Elevations & Sections of Replacement Dwelling'; and Drawing Number: 15891-4 – 'Garage Block & Proposed Site Plan'.
- (3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Number 15891-2 – 'Proposed Plans, Elevations & Sections of Replacement Dwelling'.
- (4) Unless otherwise approved in writing by the local planning authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of materials on the site until the vehicle access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the local planning authority.

- (5) No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas are available for use unless otherwise approved in writing by the local planning authority. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- (6) No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works, a validation report shall be submitted certifying that the land is suitable for the approved end use.
- (7) Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination (including ground gases where appropriate); and

- (ii) An assessment of the potential risks to:
- human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land; ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

- (8) Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (9) Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the local planning authority.
- (10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the local planning authority.

END OF SCHEDULE