
Appeal Decision

Site visit made on 8 July 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/G2713/D/19/3227650

North View Cottage, Back Lane, Alne YO61 1TJ

- 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 Brown against the decision of Hambleton District Council.
 - The application Ref 19/00334/FUL, dated 12 February 2019, was refused by notice dated 9 April 2019.
 - The development proposed is a two storey extension to side.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension to the side of the existing dwelling at North View Cottage, Back Lane, Alne YO61 1TJ in accordance with the terms of the application Ref 19/00334/FUL dated 12 February 2019 subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 'Buy a Plan' Site Plan produced on 9 November 2018;
 - Plans and Elevations as Existing and Proposed, Drawing No 2018/0059/0001 Rev C dated 31 October 2018;
 - New Landscape Plantings Ref AWA2539, 1:200 at A3; and
 - Arboricultural Report & Impact Assessment dated January 2019, Ref AWA2539 by AWA Tree Consultants.
 - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - (4) All planting, seeding or turfing comprised in the approved details of the development hereby permitted shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue arising in the appeal is the effect of the proposed development, and the consequent loss of trees, on the designated heritage asset that is Alne Conservation Area, and whether the proposed development would preserve or enhance the Conservation Area.

Reasons

3. Policy DP28 of the Hambleton Development Policies document of 26 February 2008 is consistent with the National Planning Policy Framework in seeking to protect and enhance Conservation Areas. No Conservation Area Appraisal of Alne has been supplied in the course of the appeal, but the Council's officer report identifies that the Conservation Area is characterised by the hedgerows and garden trees that bound Mitchell Lane and other streets in the vicinity. It also identifies that 'the street' is made up of residential dwellings mostly set back behind hedges with garden trees visible. Whether this refers to Back Lane or to Mitchell Lane (the property lies on the corner) I disagree. Mitchell Lane on its western side consists of a number of properties that abut, or nearly abut, the highway boundary and the proposed extension to North View Cottage would result in a consistent building line with the newer dormer bungalows that lie behind it to the south. Although there are exceptions, including the two bungalows adjoining North View Cottage to the west, Back Lane also consists of several buildings that abut the highway including, at the time of my site visit, one under construction. Further to the east, a number of developments along Gale Road are built very close to the road and I do not consider that this part of Alne, in marked contrast to the buildings adjoining the Main Street on both sides, is characterised by buildings that are set back.
4. Whilst a number of domestic hedgerows and trees exist in the vicinity, and the general verdancy of the Conservation Area is an attractive feature of it, the domestic fruit trees in the appellant's garden which would need to be felled in order to construct the proposed extension could be lost without harm to the significance of the heritage asset. The more significant boundary features of the appeal site, the privet hedge and the holly tree to the north east corner, would be retained. The appeal proposals include proposed replacement tree planting. The orientation of these to the east of the appeal site, and the reasonable size of the property's garden, mean that I do not share the Council's concern that these new trees would be likely to result in future conflict over shading. Therefore I consider that the appeal proposals can be carried out consistently with the conservation of the designated heritage asset, and thus in accordance with the development plan for the area.

Other matters

5. Other than its effects on the Conservation Area, the Council raise no objections to the design of the proposal. Concerns have however been expressed by a neighbouring occupier about the effect of the proposed development on their living conditions, by reason of the loss of outlook and potential overlooking. I do not consider that the proposal is unduly harmful in either respect. The outlook from the neighbouring property would remain adequate, and the orientation of the windows in the proposed development, coupled with the distance from the neighbouring property and the boundary treatment between them, result in negligible potential for overlooking as a result of the proposed development.

Conditions

6. The Council have suggested 3 conditions that are necessary to the grant of planning permission, and I concur. A condition stipulating by when the development is to be begun is necessary to accord with statutory requirements. A condition requiring compliance with the approved plans is needed for certainty about what has been permitted. Matching materials are required to ensure that the development is finished satisfactorily and is appropriate to the Conservation Area and the existing dwelling.
7. Having given some weight to the proposed replacement tree planting in reaching my conclusions, I consider that an additional condition is also necessary in order to ensure that the proposed planting is carried out within an appropriate timescale, and to ensure that if the planting fails then replacements are required.

Conclusions

8. Subject to those conditions, I consider that the development can be carried out without loss to the significance of the heritage asset, and no other matters raised would justify dismissing the appeal. Accordingly I allow the appeal subject to the conditions set out above.

Laura Renaudon

INSPECTOR