



Appeal Decision

Site visit made on 4 July 2019

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/N2739/W/19/3227103

1 and 2 Brackenholme Cottages, Hull Road, Hemingbrough, YO8 6EJ

- 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 Andrew Barker against the decision of Selby District Council.
 - The application Ref 2018/1222/HPA, dated 20 November 2018, was refused by notice dated 21 January 2019.
 - The development proposed is described as a "two storey extension to rear of No 1 and No 2 Brackenholme Cottages."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published its revised National Planning Policy Framework (the Framework) on 19 February 2019. However, in relation to the main issues in this appeal, the revisions have not changed national planning policy.

Application for costs

3. An application for costs was made by Mr Andrew Barker against Selby District Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

5. The appeal relates to a pair of semi-detached cottages that are situated in a relatively exposed location fronting Hull Road. Whilst there is a group of buildings located further along this highway, the character of the surrounding area is dominated by relatively flat open fields and agricultural land.
6. It is uncontested that the appeal site is located outside the development limits of Hemingbrough and is therefore in open countryside. In such areas Policy H14 of the Selby District Local Plan 2005 (Local Plan) permits extensions to dwellings, subject to a number of criteria. These include the requirement for a proposal to be appropriate to its settings and not visually intrusive in the landscape; that it would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually.

7. The preamble to this policy explains that this is in order to safeguard the countryside against visually dominant development as the enlargement of existing dwellings in open countryside may have a more conspicuous effect on their individual character and could lead, cumulatively, to an erosion of the attractive, undeveloped nature of the countryside.
8. The development plan does not set out any volumetric or other thresholds in terms of what constitutes a disproportionate addition and I have not been referred to any supplementary planning guidance on this matter.
9. Nonetheless, assessing proportionality is primarily an objective test based on size. I appreciate that the proposal would involve the demolition of a number of existing single storey rear outbuildings, and that it would be set back from the side walls of the dwellings and retain a large amount of their rear garden areas. However, No 1 has already been extended at two storey level to the side, and at the time of my site visit a further side addition was under construction at No 2. According to the Council's uncontested measurements the proposal would also project outwardly from these properties by approximately 7.5 metres and the submitted plans show that it would span across the majority of their rear elevations. It would therefore add significantly to the footprint and bulk of the original dwellings. This would be so significant that it would comprise a substantial proportion of the original houses, thereby dominating, subsuming and substantially changing their form, character and appearance.
10. The appellant argues that the proposal would be well screened to the rear, and barely visible from a minor road to the north. However, due to the relatively exposed location of the appeal site along Hull Road, the dominant and discordant nature of the proposal would be plainly noticeable from this highway, particularly from the western direction across the flat open landscape.
11. In light of the factors above I therefore consider that the proposal would also represent a conspicuous, disproportionate and visually dominant development that would have a significantly adverse effect on the character of the open countryside.
12. The appellant has drawn my attention to an appeal decision (Ref: APP/N2739/A/08/2081583) and subsequent planning permission (Ref: 2009/0122/FUL) for a rear extension at 3 and 4 Brackenholme Cottages. Although that site is also situated in the countryside the Inspector for that appeal found it to be located within a group of buildings. Whilst she considered the proposed extension to represent a significant increase over and above the floor space of the original building, she concluded that as it would appear contained within the context of the surrounding buildings it would not be visually intrusive in the countryside.
13. Whilst I do not have the full details of the subsequent planning application at No 3 and 4 before me the Council has put forward that the appeal decision was a material consideration in its determination, and I have no reason to question this. Given my findings on the exposed location of the appeal site, I therefore do not consider that the circumstances in these cases are directly comparable with those which apply in this appeal.
14. I have also had regard to the appellant's photographic evidence and the examples of other large extensions in the surrounding area. However, I do not

have the full details of the circumstances that led to all of these examples being accepted so I cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any case, determined the appeal based on its own merits.

15. I therefore find that the development proposed would cause significant harm to the character and appearance of the original building and the surrounding area. As such it would conflict with Saved Policies ENV1 and H14 of the Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan 2013. These policies seek, amongst other things, to achieve high quality design and safeguard the character of the countryside.

Other matters

16. The appellant has put forward that the appeal site is not located within a sensitive area as defined in the National Planning Policy Framework (the Framework) and that the Council has not found the design, materials, window fenestration, car parking and access arrangements and impact on amenity to be objectionable. Nonetheless, an absence of harm in respect of these issues is a neutral matter.
17. The appellant also considers the lack of changes to permitted development rights for substantial rear extensions, irrespective of whether a dwelling is in a countryside location, to indicate the Governments desire to allow residents to extend their property. However, I do not consider this or the other matters above to overcome or outweigh the significant harm that I have found that the proposal would cause.
18. In reaching my findings I have also taken into account the appellant's reference to other objectives within the Framework, and his contention that local planning authorities should not seek to impose their own views about design onto developers. Nonetheless, the Framework advises that good design is a key aspect of sustainable development and places an emphasis on ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Given my findings above I do not consider that the proposal would satisfactorily address these requirements.
19. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR