



Appeal Decisions

Site visit made on 9 July 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/G2713/W/19/3227951

1 Authitts Cottages, Shipton by Beningbrough, York YO30 1BN

- 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 & Mrs Huggins against the decision of Hambleton District Council.
 - The application Ref 19/00048/FUL, dated 9 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is the erection of detached single storey dwelling house, with associated parking (shared existing crossover, drive and circulation) and gardens (to include ground level reduction).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of detached single storey dwelling house with some ground level reduction, with associated parking (shared existing crossover, drive and circulation) and construction of a timber storage shed at 1 Authitts Cottages, Shipton by Beningbrough, York YO30 1BN, in accordance with the terms of the application, Ref 19/00048/FUL, dated 9 January 2019, subject to the conditions set out in the schedule attached.

Procedural Matter

2. The Local Planning Authority (LPA) altered the description of proposed works to 'construction of detached single storey dwelling house with some ground level reduction, with associated parking (shared existing crossover, drive and circulation) and construction of a timber storage shed.' This is also the description used by the appellant on the planning appeal form. I consider this to be a more accurate description of the proposed development and have therefore considered the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site is the side garden of No 1 Authitts Cottages. It is located on the corner of Main Street (A19) and South Garth / Sand Hole Lane within a small residential estate on the southern outskirts of Shipton. Further to the south and west of the site is open countryside that forms part of the York Green Belt.

5. The properties immediately to the east of the site comprise blocks of two storey, three terraced properties with a gable fronted end terrace dwelling, which provide some visual consistency. However, on the south side of South Garth / Sand Hole Lane and further into the estate there is a varied mix of types, sizes and designs of houses including detached, semi-detached and terraced two storey properties, detached dormer bungalows and detached and terraced single storey bungalows. The building materials are generally red or buff brick with tiled roofs. All are in moderately sized plots but possess a variety of boundary treatment. In these respects, although the estate as a whole has a medium density and open nature, the dwellings and spaces around and between them do not possess a strong uniform character and appearance.
6. The side garden to No 1 Authitts Cottages is much larger than most within the estate and is bordered to the north, south and west by a high beech hedge. The proposed development would comprise a reduction in the ground level of the side garden to No 1 Authitts Cottages and the construction of a rectangular single storey bungalow built of facing brick with a concrete tiled roof. It would have a garden to the side and rear, off-street parking to the front with access onto South Garth / Sand Hole Lane. The existing beech hedge boundary would be retained.
7. The proposed bungalow would not project beyond the building line of Authitts Cottages, be constructed of materials in keeping with the area and be largely screened by the existing beech hedge with only the roofscape partly visible. Consequently, it would not be unduly prominent on the streetscene. I acknowledge that the development of this side garden would reduce the spaciousness of the site. However, it is an unusually large side garden within the estate which is not readily perceived due to the high beech hedge, and the proposed development would still provide sufficient external space for the occupants of No 1 Authitts Cottages and the occupants of the new dwelling. In addition, I recognise that the bungalow would be of a different form and design to the two storey terraced houses immediately adjacent to the site. However, given the variety of types and styles of properties nearby, I consider that it would not be a completely alien or incongruous building within its wider context.
8. I therefore conclude that the proposed development would not cause significant harm to the character and appearance of the area. As such it would not conflict with policy CP17 of the Hambleton Local Development Framework (LDF) Core Strategy (2007) which, amongst other things, requires development to achieve a high quality of design of both buildings and landscaping and respect and enhance the local context and its special qualities. It would also not conflict with policy DP32 of the Hambleton LDF Development Policies (2008) which, amongst other things, requires the design of all developments to be of the highest quality and for it to take into account local character and settings and promote local identity and distinctiveness.

Other Matters

9. I note that Shipton by Beningbrough Parish Council raised concerns about drainage in the area which they consider is already at capacity. It has been concluded by the LPA that the proposed drainage arrangements would be acceptable and would comply with the policy requirements of the LDF. I have no reason to disagree.

10. I acknowledge that the LPA has a supply of land for housing that meets the housing requirements for a period in excess of eight years. However, it is apparent from the evidence submitted that there is a need for smaller homes within the District. This single dwelling in an accessible location would contribute to that need.

Conditions

11. The appeal being allowed, I attach a schedule of conditions below. These have been taken from the list of conditions suggested by the LPA with an amendment to condition 9 suggested by the appellant which I consider to be reasonable.
12. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty. To ensure that the external appearance of the development is compatible with its context, I have imposed a condition relating to materials.
13. In the interests of highway safety and the visual amenity of the area, I have imposed conditions relating to access, surface water runoff onto the highway and parking facilities.
14. In the interests of highway safety and the general amenity of the area during the construction period, I have imposed conditions to prevent mud or other debris being deposited on the highway and appropriate vehicle parking and storage facilities.
15. In the interests of providing appropriate screening, I have imposed a condition relating to the retention and maintenance of the existing beech hedge.

Conclusion

16. For the reasons above and having considered all matters raised, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR

Schedule of 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: Drawing Nos: 501-002 Rev B Plans and Elevations and 501-005 Site Plan.
- 3) No above ground construction work shall be undertaken in relation to the new dwelling until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the LPA for approval and samples have been made available on the application site for

inspection (and the LPA have been advised that the materials are on site) and the materials have been approved in writing by the LPA. The development shall be constructed of the approved materials in accordance with the approved method.

- 4) There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at South Garth / Sand Hole Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
- 5) There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the LPA. The works shall be implemented in accordance with the approved details and programme.
- 6) No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7) There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the LPA. These facilities shall include the provision of wheel washing facilities where considered necessary by the LPA. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the LPA agrees in writing to their withdrawal.
- 8) Unless approved otherwise in writing by the LPA there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the LPA for the provision of:
 - a. parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site
 - c. the approved areas shall be kept available for their intended use at all times that construction works are in operation.
- 9) No part of the existing boundary hedging, and planting shall be uprooted or removed or reduced in height below 1.8m without the prior written consent of the LPA. The planting along this boundary shall be retained for the life of the development hereby approved.