



Appeal Decision

Site visit made on 20 August 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/G2713/W/19/3230728

Ashwood, Mounstrall Lane, Danby Wiske, DL7 0NQ

- 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 and Mrs N Aldridge against the decision of Hambleton District Council.
 - The application Ref 18/02165/FUL, dated 9 October 2018, was refused by notice dated 14 January 2019.
 - The development proposed is a revised application for the demolition of an existing dwelling and construction of a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a revised application for the demolition of an existing dwelling and construction of a replacement dwelling at Ashwood, Mounstrall Lane, Danby Wiske, DL7 0NQ in accordance with the terms of the application, Ref 18/02165/FUL, dated 9 October 2018, and the plans submitted with it, subject to the schedule of conditions set out at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are: 1) the effect of the proposal upon the character and appearance of the area; and 2) whether the proposal represents an acceptable form of development having regard to its flood zone location.

Reasons for the Recommendation - *Character and Appearance*

4. Ashwood is a detached bungalow set back from the highway. To the south of the site are bungalows which differ in form to the existing bungalow due to the site's narrow frontage and its comparison to these properties is limited. The existing bungalow is larger in depth and smaller in width compared to these bungalows. On the opposite side of the road are two storey properties set back from the highway which form part of the street scene, these properties are more dominant due to land level differences. There is a mix of modern and traditional properties, which vary in scale and height, to the north of the site.
5. The replacement dwellings height and massing would be greater than the existing bungalow and neighbouring properties. Nevertheless, the site is significantly larger than neighbouring plots and gaps to the boundaries would be maintained. The proposal would not constitute over-development. The dwelling would be traditional in appearance and partially screened by existing development to the north and south as it would be set back

approximately 28m from the highway. Due to the set back, the proposed dwelling would not dominate the street scene nor harm the character and appearance of the area as the height, form and massing of properties varies. The proposed dwelling would not be out of keeping within this mixed residential area.

6. Accordingly, the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy CP17 of the Local Development Framework Development Plan Document Core Strategy (2007) and Policy DP32 of the Local Development Framework Development Plan Document Development Policies (2008) and with the Framework in this regard.

Flood Risk

7. Interested parties have referred to recent flood events. There is broad agreement that the proposed dwelling would be located within flood zone 1 and a previous flood event has occurred within the site. The rear garden would be located within flood zones 2 and 3. The appellants have provided evidence to show the flood position of the site which has taken into account climate change. In order to protect the dwelling from flooding, it would have a finished floor level of 35.6 m AOD which is above the recommended 35.2 m AOD.
8. The appellants previously agreed a planning condition, with the Council, relating to surface water drainage and provided a technical note to demonstrate that the proposal would not displace water elsewhere. No substantive evidence has been submitted to demonstrate that the development has not taken sufficient account of local flooding issues.
9. For these reasons, the proposed development would be an acceptable form of development within its flood zone location. Therefore, it would not conflict with Policy DP43 of the Local Development Framework Development Plan Document Development Policies (2008) and with the Framework in this regard.

Conditions

10. Several conditions have been suggested by the Council. These have been assessed considering guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity. Conditions 1 and 2 are necessary for certainty. In the interest of visual amenity, I have imposed conditions relating to materials and a landscaping scheme. In the interest of flooding condition 4 is necessary.
11. A condition requiring obscure glazing would not be necessary due to the distance to neighbouring properties. Conditions requiring the removal of the existing bungalow and finished floor level are also not necessary as condition 2 is adequate in this regard. Conditions relating to: parking, groundworks, precautions to prevent the deposit of mud, grit and dirt and construction method statement are not considered necessary due to the development being small scale and located within a large plot.

Conclusion and Recommendation

12. For the reasons given above I conclude that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed subject to the conditions below.

A U Ghafoor

INSPECTOR

Schedule of 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: HDC/3104/03, HDC/3104/04NA, HDC/3104/05NA, HDC/3104/06NA Revision A, HDC/3104/07NA and HDC/3104/08NA.
- 3) No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces have been prepared on site for inspection and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property. The hard surfacing shall thereafter be retained as such in perpetuity.
- 5) Notwithstanding any details shown on the approved plans, before the development is first occupied, a landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; 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.