



Appeal Decision

Site visit made on 25 June 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/G2713/W/19/3226257

Church View, Main Street, Myton on Swale, Yorkshire YO61 2QY

- 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 John Wybor against the decision of Hambleton District Council.
 - The application Ref 18/00298/FUL, dated 28 April 2018, was refused by notice dated 17 October 2018.
 - The development proposed is described as 'demolition of existing bungalow and rebuilding on largely the same footprint as a 'dormer' bungalow. Extension to rear with alterations to fenestration and new gable to front. To create a highly sustainable, low energy dwelling using panelised timber frame construction for the building shell – highly insulated and airtight. New facing brick to elevations as described. Existing entrance to west closed off and frontage reinstated. Existing entrance to east made principle/sole access. Replacement outbuilding to rear behind dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has advised that he no longer wishes to pursue the erection of a new outbuilding to the rear of the site. As this outbuilding forms part of the original planning application submission however, I have still considered this element of the proposal in my determination of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed outbuilding on the character and appearance of the open countryside; and
 - The effect of the proposed dwelling on the character and appearance of the area.

Reasons

Outbuilding – Character and Appearance

4. The proposed outbuilding would be situated beyond the existing dwellings rear garden fence, in a field to the rear. The outbuilding would replace an existing single storey structure with a significantly larger 2 storey building, which by reason of its size would introduce a more visually prominent building into the

field, which is currently open in character. In rural areas, Policy CP4 of the CS requires an exceptional case to be made for developments in the countryside such as this. The information before me does not provide any such justification however.

5. Accordingly, I conclude that by reason of its size and scale, the proposed outbuilding would be visible from outside of the field in which it would be sited and as a result, would be visually harmful to the character and appearance of the open countryside. Furthermore, in the absence of any justification, it has not been demonstrated that there is an exceptional case for the proposed outbuilding. Consequently, the proposed outbuilding would not accord with the criteria of Policies CP4 and CP16 of the Hambleton District Council Core Strategy (CS) (2007) and Policy DP30 of the Hambleton District Council Development Plan Document (DPD) (2008). When read together, these only permit new development in such a location when it has been satisfactorily demonstrated that there is an exceptional case and that the proposal does not have a detrimental effect upon a natural asset, including the openness of the surrounding landscape.

Dwelling – Character and Appearance

6. The appeal site faces the Grade II* Listed St Mary's Church and is situated amongst a row of dwellings on the main road that runs through the village of Myton on Swale. It is apparent that the village has been in existence for a significant period of time and features a number of non-designated heritage assets along with other dwellings of differing ages, styles and sizes. A unifying characteristic of these buildings and the village as a whole is that they are all of a traditional appearance, befitting of a small isolated rural settlement of such an age.
7. DPD Policy DP32 requires proposals to take into account local character and their setting, whilst promoting local identity and distinctiveness. Whilst the proposed dormer bungalow would generally sit on the same footprint as the existing bungalow that currently is present on site, it would be of a far more modern and contemporary design, quite unlike any other building in the village. Some of the modern features, such as the large dormer windows with Juliette balconies and the 'wrap-around' window to the kitchen, would make the proposal appear at odds with the overall more traditionally detailed forms of development that are present in the village.
8. As a result, I conclude that as a result of its contemporary form and appearance, the proposal would introduce an uncharacteristic form of development into the village. Consequently, the proposal would be contrary to CS Policy CP17 and DPD Policies DP9, DP30, and DP32. When read together, these require proposals for replacement buildings to be of a high quality design, whilst taking full account of the distinctive qualities of the local landscape to promote local identity and distinctiveness.

Other Matters

9. The appeal site is located on the opposite side of the road to the Grade II* Listed St Mary's Church. Whilst they are fairly close to one another, it is difficult to view the 2 buildings together simultaneously due to the amount of physical separation between them. Both buildings are set well within their grounds and there are intervening footpaths and grass verges on either side of

the main road. As a result, the appeal site is not in the setting of the Listed Building. The proposal would not result in a built form that would compete with or dominate the church or its grounds and consequently would have no undue effect upon the setting of this heritage asset.

10. Whilst I can empathise with the appellant's comments that the proposal represents an attractive, contemporary form of development that would be highly energy efficient, this does not overcome the clear harm that I have identified above.
11. I note that the appellant has referred to another development within the village which they consider to be harmful to the character and appearance of the area. Whilst I acknowledge his concerns, the merits of this other development are not a matter that is before me in the determination of this appeal.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Jamie Reed

INSPECTOR