



Appeal Decision

Site visit made on 17 September 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: 11 October 2019

Appeal Ref: APP/G2713/W/19/3231627

Land South of Skelder Bungalow, Green Hills Lane, Ainderby Steeple

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Place against the decision of Hambleton District Council.
 - The application Ref 18/02717/OUT, dated 19 December 2018, was refused by notice dated 11 March 2019.
 - The development proposed is an outline application for the construction of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for the construction of one dwelling at land South of Skelder Bungalow, Green Hills Lane, Ainderby Steeple in accordance with the terms of the application, Ref 18/02717/OUT, dated 19 December 2018, 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.

Preliminary Matters

3. This is an outline application with all matters reserved except for access. Appearance, landscaping, layout, and scale are reserved matters for future approval. I will proceed on the basis that details of appearance, landscaping, layout, and scale shown on drawing number 18/07/03, 18/07/04 and ASS 2438a are for illustrative purposes.

Main Issue

4. The Council does not object to the proposal on the grounds that the proposed access would give rise to highway safety concerns, because of its location. I have no reason to take a different view. Against that background, the main issue is the effect of the proposal upon the character and appearance of the of the settlement and landscape.

Reasons for the Recommendation

5. Ainderby Steeple contains a range of dwellings which differ in form, design and character. The neighbouring properties, Skelder Bungalow and The Leys, are relatively modern properties which do not reflect the traditional character of the adjacent Ainderby Steeple Conservation Area (CA). The appeal site sits

lower than the neighbouring properties due to land level differences and is currently used for agricultural grazing.

6. Ainderby Steeply is defined as a secondary village and is therefore classed as a sustainable settlement. The proposed dwelling would be directly adjoining the development limits of the village. The appeal site largely follows the domestic curtilage of the existing properties on either side of Green Hills Lane and aligns with the timber building opposite the site.
7. The indicative drawings show that the dwelling would not appear as a prominent addition as it would have a lower ridge height than the existing dwellings. Skelder Bungalow separates the appeal site from the CA. Views of the village and CA would be maintained as the site is at a lower level. The development would preserve the setting of the CA. The proposal represents a small-scale development which respects the existing form of the settlement. Consequently, the proposal would maintain the character of the natural, built and historic environment.
8. Views into the site from the highway are limited due to the site being largely screened by existing residential properties, mature hedging and trees. As the site is on the edge of the village it does not have a sense of openness and the new dwelling would be seen in the context of the existing properties. To the south there is a large gap between the site and neighbouring residential plots. Subsequently, the proposal would not have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
9. I find that the development would not have a materially harmful effect on the character and appearance of the settlement and landscape. Accordingly, the proposal would not conflict with the National Planning Policy Framework, Interim Policy Guidance nor Policies DP10, DP30 and DP32 of the Local Development Framework Development Plan Document Development Policies (2008).

Other Considerations

10. Interested parties are concerned that the proposal would have an impact on their living conditions. The large plot is capable of accommodating a new dwelling without having a harmful effect upon the living conditions of existing residents. At reserved matters stage this would be addressed in more detail because design and layout would be considered by the Council. One new dwelling would not have a significant impact upon light and noise pollution. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

11. Several conditions have been suggested by the Council. These have been assessed considering guidance found in the Planning Practice Guidance. The conditions relating to the detailing of the reserved matters and to accord with the approved plan are necessary for clarity. A condition is included to ensure the proposal incorporates satisfactory drainage. In the interests of safeguarding the character and appearance of the area, a condition requiring

details of the proposed floor levels is necessary. Conditions 7), 8) and 9) are required for highway safety purposes.

12. Conditions relating to materials and landscaping are not necessary as appearance and landscaping are reserved matters. As the description of development specifies one dwelling it is not necessary to do so with a condition. In addition, conditions relating to precautions to prevent the deposit of mud, grit and dirt on the highway and construction method statement are unnecessary due to the development being small scale and located within a large plot. All pre-commencement conditions have been agreed by the appellant.

Conclusion and Recommendation

13. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal is allowed.

A U Ghafoor

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Plan- Land to south of Skelder Bungalow, Green Hills Lane, Ainderby Steeple, North Yorkshire, DL7 9JZ.
- 5) No development above slab level shall take place until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the local planning authority. The approved drainage shall be fully implemented prior to the dwelling hereby approved being first occupied and be maintained for perpetuity.
- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved levels.

- 7) 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.
- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (i) vehicular and pedestrian accesses;
 - (ii) vehicular parking; and
 - (iii) vehicular manoeuvring and turning arrangements.
- 9) No part of the development shall be brought into use until the approved vehicle access; parking, manoeuvring and turning areas approved under condition number 8 are available for use unless otherwise approved in writing by the local planning authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.