



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: 21 October 2019

Appeal Ref: APP/G2713/W/19/3231800

Land to rear of Spring Terrace, Springwell Lane, Northallerton, North Yorkshire

- 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 Bryan Huntley against the decision of Hambleton District Council.
 - The application Ref 19/00363/OUT, dated 20 September 2018, was refused by notice dated 12 April 2019.
 - The development proposed is the erection of a four bedroomed dwelling with detached double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a four bedroomed dwelling with detached double garage at land to rear of Spring Terrace, Springwell Lane, Northallerton, North Yorkshire in accordance with the terms of the application, Ref 19/00363/OUT, dated 20 September 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. Access, appearance, landscaping, layout, and scale are reserved matters for future approval. I have determined the appeal on that basis with the details of access, appearance, landscaping, layout, and scale shown on the block plan drawing treated as only illustrative. For the purposes of clarity, I have taken the site address from the appeal form.

Main Issues

4. These are: 1) the effect of the proposal upon the character and appearance of the area; and 2) the effect of the proposal upon highway safety, having regard to visibility.

Reasons for the Recommendation - Character and Appearance

5. Springwell Lane contains dwellings of various age, size and design. In the streetscene there are traditional terraces and detached bungalows. The appeal site does not significantly contribute to the area as it is located behind the terraces. The site is currently overgrown and is bounded by the rear gardens of the terraces, mature vegetation and railway lines.
6. The proposal would not follow the linear form of development of Springwell Lane. The illustrative plans demonstrate that a modest bungalow and detached garage would be accommodated on the appeal site with gaps to the side. The proposal would be largely screened by existing development and therefore would not appear prominent. This small-scale development would not look out of keeping in the context of the detached bungalows in the streetscene. The scale, size and form of the development would maintain the character of the area.
7. For these reasons, I find that the development would not have a materially harmful effect on the character and appearance of the area. Accordingly, the proposal would not conflict with the National Planning Policy Framework, Policies CP17 and DP32 of the Local Development Framework Development Plan Document Development Policies (2008) (LDF).

Highway Safety

8. The indicative drawings show access would be gained from the side of no. 1 Spring Terrace. The appellant does not dispute the visibility assessment by the Council and have not submitted a speed survey. The appellant has submitted evidence which shows that there have been no accidents at or near the junction in the last 20 years which the Council does not dispute. At the time of my site visit there was low levels of traffic flow. I have seen nothing to suggest that my observations are untypical.
9. Regardless of whether the road could be re-surfaced or repaired in the future, the bridges, rail crossing and parked cars cause drivers to slowdown in this section of Springwell Lane. The Council are concerned that the visibility to the north west crosses privately-owned third-party land. The access already serves the garages to Spring Terrace and no evidence has been submitted to demonstrate the visibility would alter in the future. The Council do not dispute that at peak times the proposal would generate one additional car journey. The development would not result in a significant increase of traffic at this junction.
10. The officer's report states the proposal is contrary to Policy CP2 of the LDF. Policy CP2 seeks to encourage sustainable means of transport and does not reference highway safety. The dwelling would be accessible to local services which are within walking distance.
11. Whilst the visibility splays do not accord with Manual for Streets, for the reasons given above, the proposal would not have an unacceptable impact on highway safety. The proposal would comply with the National Planning Policy Framework and Policy CP2 of the LDF.

Other Considerations

12. Interested parties are concerned the dwelling would impose on the properties and gardens of Spring Terrace. The location of the proposed dwelling and

garage would be determined at reserved matters stage. Due to the size of the plot, the proposed development could be accommodated on the appeal site without causing significant harm to the living conditions of neighbouring residents.

Conditions

13. A number of conditions have been suggested by the Council and Network Rail. These have been assessed in light of guidance found in the Planning Practice Guidance and where necessary have been amended for clarity. All of the conditions have been agreed with the appellant and Council.
14. The conditions relating to the detailing of the reserved matters and to accord with the approved plan are necessary for clarity. Condition 5, 6 and 7 would ensure details of: drainage, boundary treatments, the use of crane or other mechanical plant, integrity of the railway in relation to any proposed excavation and other construction methods, lighting, sound insulation and soft landscaping are provided. These conditions are required to ensure railway safety, protect residential amenity and to provide satisfactory drainage. The Council did not recommend a condition relating to sound insulation. However, this condition is necessary to ensure the dwelling provides a high standard of amenity for future residents due to the proximity of the railway line.
15. Conditions relating to vehicular turning and parking are not considered necessary as layout and access are reserved matters. Conditions requested by Network Rail relating to scaffolding and ensuring the level crossing, and access to the railway undertaker's land, remain clear are not considered reasonable and they would be difficult to enforce.

Conclusion and Recommendation

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

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

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

A U Ghafoor

INSPECTOR

Schedule of Conditions

1. Details of the access, 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: 5, Spring Terrace, Springwell Lane, Northallerton, North Yorkshire, DL7 8UP.
5. The dwelling hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority in consultation with the railway undertaker. The Statement shall provide for:
 - a. The loading and unloading of plant and materials;
 - b. Storage of plant and materials used in constructing the development;
 - c. Details of sound insulation;
 - d. Details of the use of crane or other mechanical plant working adjacent to network rail's operational land; and
 - e. Details confirming the integrity of the existing railway formation and structures in relation to any proposed excavation, piling and other construction methods.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
7. 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 in consultation with the railway undertaker. These details shall include:
 - a. Boundary treatments;
 - b. Planting plans (including cultivation and other operations associated with plant and grass establishment);
 - c. Schedules of plants noting species;
 - d. Plant supply sizes and proposed numbers/densities where appropriate;
 - e. Lighting; and
 - f. Proposed and existing functional services above and below ground.The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.