



Appeal Decision

Site visit made on 15 August 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/G2713/W/19/3228750

Stokesley Used Car Sales, Tame Bridge, Stokesley TS9 5LQ

- 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 Da Silva against the decision of Hambleton District Council.
 - The application Ref 19/00152/FUL, dated 23 January 2019, was refused by notice dated 16 April 2019.
 - The development proposed is described as a change of use from car sales office to dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use from car sales office to a dwelling including a single storey rear extension at Stokesley Used Car Sales, Tame Bridge, Stokesley TS9 5LQ in accordance with the terms of the application, Ref 19/00152/FUL, dated 23 January 2019, and the following plans: Site Location Plan, received 19 February 2019; and the Block/Site Plan and the Existing and Proposed Plans and Elevations (Drawing No 001), received 4 September 2019.

Procedural Matters

2. I observed that the development described above has already been partially carried out. I have therefore dealt with the appeal on the basis that the development has, in part, already occurred.
3. The Site/Block Plan submitted with the original planning application appears to show a front extension and the elevation drawings are incorrectly labelled. The parties were provided with an opportunity to comment on this matter during the appeal proceedings. The appellant confirmed this to be a drafting error and provided two new drawings correcting the technical error. The Local Planning Authority (LPA) chose to make no further comment.
4. However, it is clear from the LPA's report, and subsequent appeal statement, that it considered the development on the basis of a change of use including a rear extension. I am therefore satisfied that no party would be prejudiced by me considering the corrected plans as part of the appeal. In reaching this view I have had regard to the Wheatcroft principles¹. Furthermore, given the development has been partially carried out, any interested party would have been able to see that it included a rear extension. Therefore, for clarity, I have

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

considered the appeal on the basis of the corrected drawings and amended the description of development in my formal decision to include the rear extension.

Application for costs

5. An application for costs was made by Mr Da Silva against Hambleton District Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area.

Reasons

7. The appeal site is a single storey building fronting the highway and on the edge of the small rural settlement of Tame Bridge. The building is of a simple rectangular form with a dual pitch roof and is adjacent to a number of commercial and industrial uses to its rear. Residential properties along the road can be characterised as a mix of detached bungalows, cottages and a two storey house which vary considerably in their individual design characteristics and form, providing no particular character or uniformity of design.
8. The proposal provides a small property with three bedrooms via the provision of a flat roof extension with a rearward projection of approximately 4 metres. The former car sales office has largely been retained and has had new windows installed throughout. The result is a simple and unassuming single storey property with the character and appearance of a small cottage, not an unusual form of development to be found within the locality. I see no reason why, once complete, the proposed dwelling would not represent an appropriate and high quality design as a continuation of the linear form of neighbouring residential development which extends out along the highway.
9. The LPA are concerned that no openings are proposed to the side elevations, offering blank elevations that are visible from the street. I do not share the LPA's view that blank side elevations of this scale are harmful features. To the contrary, this is a common design feature of residential extensions and is clearly evident in the neighbouring two storey property to the east, along with others along the street. I accept that the side elevations of the proposal are visible within the street scene, however, I do not find them to be harmful in any way.
10. Flat roofed rear extensions are by no means an unusual form of development with many residential properties comprising of such additions. Flat roofs can be harmful if they do not respect the character and scale of the host building, however, in this case the extension is a modest addition extending out from the rear eaves of the original building. This results in a sympathetic and subservient form of development that appropriately retains the character and appearance of the host building. Furthermore, I note the presence of several side and rear flat roofed extensions on nearby neighbouring properties, many of which were visible to differing degrees from the street. In this context, I do not consider that the proposal offers an incongruous form of development that would be of poor quality.
11. Concerns have been raised over the use of a white render finish. However, the host building already has an external render finish and therefore it is highly

appropriate for the extension to have a matching external finish. Whilst I note that the immediate surroundings comprise of red brick built properties, other dwellings along the street include the use of render and therefore the proposal would not be out of keeping with its surroundings.

12. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the host dwelling or the surrounding area. It follows, therefore, that I find no conflict with policy DP32 of the Hambleton Local Development Framework Development Policies, adopted February 2008 which require the design of all development proposals to be of the highest quality, taking into account local character and setting.

Conditions

13. I have had regard to the list of suggested conditions provided by the LPA and have considered these in the context of the Framework which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
14. I find the LPA's suggested conditions in relation to land contamination to be unnecessary and unreasonable as I have no substantive evidence before me that would indicate the potential for the site to be contaminated. In any case, the development is substantially complete and therefore the opportunity for such investigations and any remedial works has been lost. I also note the lack of any comment from the LPA's Environmental Health Team in this regard.
15. Conditions were also suggested to secure details of the parking arrangements to serve the development prior to it being brought into use as a dwelling. I could see during my visit that the site has a generous curtilage comprising of hardstanding to its side and rear. This is more than adequate to accommodate vehicle parking and manoeuvring within the site and given that the use has already commenced, I consider these conditions to be unnecessary.
16. In the interests of certainty, I have included a list of the approved plans within my formal decision which includes the corrected plans as provided by the appellant during the course of the appeal proceedings.

Conclusion

17. For the reasons I have set out, the appeal is allowed.

Jeff Tweddle

INSPECTOR