
Appeal Decision

Site visit made on 21 October 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/G2713/W/19/3234784

3 Church View, Great Smeaton, Northallerton DL6 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David North against Hambleton District Council.
 - The application Ref 19/00876/FUL, is dated 16 April 2019.
 - The development proposed is demolition of existing conservatory. Erection of two-storey extension to the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form contains the description of development contained within the banner heading above. However, the appeal form, statements and submitted plans reference a single storey rear extension, I have therefore determined the appeal on this basis.

Main Issue

3. From the evidence I have before me I consider the main issues to be i) whether the proposal would preserve or enhance the character and appearance of the Great Smeaton Conservation Area and ii) the effect of the proposal on the living conditions of occupiers at no 2 and 4 Church View, with particular regard to outlook.

Reasons

Great Smeaton Conservation Area

4. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas (CA). Policy DP28 of the Hambleton District Council Local Development Framework, Development Policies 2008 (LDF) also seeks to protect and enhance the character of CAs within the district.
5. The appeal property is a terraced house in the centre of the Great Smeaton Conservation Area. The Council define the historic significance of the appeal property as its age and its relationship as part of the terrace with the main East House, a large country house which sits opposite the appeal property. The

simple compact form of the terrace and rear yard provides a contrast to the larger detached properties and village green opposite and I agree with the Council that the terrace was once likely to be worker's cottages linked to the East House or perhaps a wider estate. The character of the terrace and by virtue its contribution to the significance of the heritage asset is in its simple form and its relationship to the main street.

6. The appeal property is a traditional two storey red brick and slate terraced house with direct access onto the street at the front and an enclosed yard to the rear. To the south, there is an access lane which separates the house and yard from its large garden area beyond.
7. Whilst the front of the terrace, including the appeal site, are relatively uniform in appearance, the rear has been altered with a range of extensions of different scale and design on various properties. The appeal property has a rear two storey outrigger which extends across the full width of the property, a converted outbuilding which abuts the boundary wall with the rear lane and a narrow linear conservatory which links the main house with the converted outbuilding.
8. An unusual boundary arrangement means that the eastern boundary with no 2 Church View runs diagonally north to south, the result is a small triangular shaped rear yard. To the west of the existing conservatory is an additional rectangular shaped area of yard which projects west into the rear yard of no 4 Church View.
9. The proposal would see the construction of a new single storey extension that would replace the existing conservatory and provide a new link between the main house and the converted outbuilding. The extension would fill the western yard area and extend across the rear of the property towards the shared rear boundary with no 2 Church View.
10. Policy DP28 of the LDF seeks to conserve historic heritage by amongst other things, requiring new development to protect and enhance CAs. The main parties agree that the proposed extension would sit to the rear of the existing property, screened from public view and neighbouring properties by solid boundary treatments. Consequently, there would be no impact on the CA in respect of the spatial relationship between the appeal property and the main street.
11. Notwithstanding the above, Policy DP28 and DP32 of the LDF require development proposals to take account of local character and settings including plot patterns and street layout. The introduction of a new extension that would almost fill the rear the yard area would alter the simple linear plot pattern of the terrace thereby altering the character of the area. The scale of the proposed extension in the context of the small rear yard would appear uncharacteristically large and cumbersome resulting in an extremely cramped external space that would be at odds with the surrounding area.
12. Given the above, I find that the proposal would fail to preserve or enhance the character and appearance of the CA and that it would cause harm to the designated heritage asset in design terms.
13. Taking into account Paragraph 196 of the National Planning Policy Framework (the Framework), the harm caused to the CA is less than substantial. Such

harm must be weighed against any public benefits identified. Neither of the main parties has identified any public benefits associated with the development and there are none that I can identify. Consequently, there are no benefits that would outweigh the harm I have identified.

14. For the above reasons, I conclude that the proposed development would cause harm to the character of the CA. It would as a consequence fail to comply with the design and conservation requirements of Policy DP32 and DP28 of the LDF, or the Framework.

Living Conditions

15. Policy DP1 of the LDF and Policy CP17 of the Hambleton District Council Core Strategy 2007 (CS) require development proposals to promote good design which protects the amenity of occupiers and users. The Hambleton District Council Supplementary Planning Document - Domestic Extensions 2009 (SPD) sets out a range of guidance in relation to design.
16. The main parties agree that there would be limited effect on the living conditions of the occupiers of no 4 Church View with regards to privacy and outlook. This is because no 4 has already been substantially extended to the rear and the Council's view is that the existing extension has a more significant effect on living conditions than that proposed. I have no reason to disagree with this view.
17. There is however, some dispute regarding the impact of the proposal on the living conditions of the occupiers of no 2 Church View with regard to outlook. Due to the size and proximity of the proposed extension to the boundary the proposal as originally submitted, would breach the 45 degree rule as set out within the SPD. I note that the appellant has since made a minor alteration to the design which would see the corner of the extension chamfered in order to comply with the 45 degree rule. I consider that the amended proposal would therefore accord with the SPD. Consequently, I do not find conflict with the requirements of Policy DP1 of the LDF and Policy CP17 of the CS as set out above.

Other Matters

18. The appellant makes reference to the intention of the neighbour at no 2 Church View to construct an extension in line with their permitted development rights. However, such proposals are not before me and have not therefore been determinative in this appeal.

Conclusion

19. Whilst I have found no harm to the living conditions of the occupiers of no 2 and no 4 Church View with regard to outlook, I have concluded that the proposal would fail to preserve or enhance the character and appearance of the Great Smeaton Conservation Area. For these reasons and having regard to all other matters raised, the appeal is dismissed.

J Hunter

INSPECTOR