



Appeal Decision

Site visit made on 16 December 2019

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 January 2020

Appeal Ref: APP/W9500/D/19/3238355

Sea View, Victoria Square, Lythe, Whitby YO21 3RW

- 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 Joseph and Clare Grosu against the decision of North York Moors National Park.
 - The application Ref NYM/2019/0406/FUL, dated 7 June 2019, was refused by notice dated 5 August 2019.
 - The development proposed is construction of single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey extension at Sea View, Victoria Square, Lythe, Whitby YO21 3RW in accordance with the terms of the application, Ref NYM/2019/0406/FUL, dated 7 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:[insert plan numbers].
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The extent of the proposed development and the development description were amended during the course of the Council's consideration of the proposal. I have adopted the revised description as set out on the Council's decision notice in the heading above, as I am satisfied that the Council determined the application on the basis of the amended scheme. I shall do likewise with the appeal proposal which I have determined accordingly.

Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Lythe Conservation Area.

Reasons

4. The appeal property is a modest two-storey dwelling located in the north-eastern corner of Victoria Square in Lythe and forms part of a terrace of properties on the northern side of the square and which continue further to the east. The site lies within the Lythe Conservation Area (CA) which encompasses

the main body of the village, including the Old Vicarage and Lythe Hall and their pleasant sylvan surroundings to the south on Lodge Road. St Oswald's Church lies a short distance to the east of the main body of the village across open fields and adjacent to Lythe Bank.

5. The Council contend that the proposed extension would be located on the dwelling's front elevation. As a front elevation facing a main link between the CA and St Oswald's Church, the appeal property's simple north-facing elevation and relationship with Lythe Bank suggest, the Council argue, that this elevation is Sea View's front elevation. That the appellants choose to use the south-facing elevation as the main entry point to the property, the Council suggest, is a matter of personal choice and not determinative to whether it should be considered to be the front or principal elevation.
6. However, from all that I have seen and read I am more inclined towards the appellants' assessment of the dwelling and its relationship with its surroundings. Whilst I accept that the dwelling's north-facing elevation has a simple and pleasantly plain façade, notwithstanding the existing extension, and that this follows the pattern of properties further east along this row, this is only one factor in considering which elevation is the front and which is the rear elevation.
7. The dwellings to the south and west of Sea View front on to, to an intimate degree, the open surroundings of the square's 'interior'. Although the neighbouring Primrose Cottage is set some way back from the south facing elevation of Sea View, it and the three adjacent cottages share the same distinct relationship with the space to the south as do Sea View and St Ives. Together, they form a distinct group of dwellings clearly fronting on to, and forming, the Square.
8. It was also equally clear to me from my observations of the site and its surroundings, that the more functional elevations of these adjacent properties are located on their north-facing elevations, where their single and two storey outriggers are clearly evident from Lythe Bank. These features may be somewhat at odds with the simple and plain form of the north-facing elevations of the dwellings to the east of Sea View, but the elevational treatment of the properties to the east does not, to my mind, solely define any assessment of the appeal property.
9. The proposed extension would be a modest addition to the host building's north-facing elevation. Although it would have a greater depth than the existing extension, it would not be of a dominant scale on an elevation and aspect which is heavily dominated by the substantial three-storey gable of the adjacent Primrose Cottage and the detached outbuilding immediately adjacent to Sea View's garden area. Garden levels are also above the levels of Lythe Bank and, together with the substantial roadside garden hedge which runs along the south side of Lythe Bank and the dwelling's significant set back from the roadside, the ground floor portion of Sea View's north-facing elevation is largely hidden from wider approach views from both east and west.
10. Although the proposed extension would be directly visible through the garden gate, such views would be restricted and transient. Crucially, they would not materially or harmfully alter the perception of Sea View's north elevation, and the extended host property would retain its existing pleasant, modest proportions and somewhat quaint stature. Nor, for these reasons, would the

proposal cause harm to the character or appearance of the Conservation Area, either in terms of its scale or appearance, or from the principle of its location on Sea View's north-facing elevation.

11. For these reasons, I am satisfied that the proposal would adequately respond to, and respect, the architectural and historic context of Sea View, and the setting of Sea View in the context of the adjacent dwellings and the wider Conservation Area. The proposal would preserve the character and appearance of the Conservation Area and maintain the character of the North York Moors National Park. In respect of the former, I am required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. There would for these reasons be no conflict with Development Policies 3, 4 or 19 of the North York Moors National Park Authority '*Core Strategy and Development Policies*' (November 2008) or the guidance set out in Design Guide (Extensions and Alterations to Dwellings), an extract of which I have been supplied with.

Other Matters

12. I have noted the appellants' intention to occupy the house on a permanent basis as a principal rather than second home and the benefits to the local economy in social and economic terms. However, as I have found no harm in the terms set out in the Framework¹ I give these matters limited weight in support and conclude that they are not determinative in this instance.

Conditions

13. I have considered the Council's suggested conditions in light of the advice and guidance set out in the Framework and Planning Practice Guidance. I agree that time limit and approved plans conditions are necessary in order to provide certainty. A materials condition is necessary in the interests of character and appearance, whilst I have also noted the Council's suggested informative and would draw this to the appellants' attention.

Conclusion

14. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

¹ Paragraph 196