The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/G2713/W/19/3240913
Land Between Bankside Farm and Hawthorn, East Harlsey, North Yorkshire

- 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 Adam Robinson, A L Robinson Building Ltd. against the decision of Hambleton District Council.
- The application Ref 19/01745/FUL, dated 11 August 2019, was refused by notice dated 18 October 2019.
- The development proposed is the construction of 2no. residential dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the construction of 2no. residential dwellings at Land Between Bankside Farm and Hawthorn, East Harlsey, North Yorkshire in accordance with the terms of the application, Ref 19/01745/FUL, dated 11 August 2019, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and, (ii) whether the development would accord with the development plan policies specifically with regards to Policy DP13 of the Development Policies DPD (February 2008) and the size of the proposed properties.

Reasons

Character and Appearance

3. That the site is capable of accommodating two dwellings is not at dispute between the parties. It is the Council's case that the scale of the proposed development, specifically with regards footprint and massing, is harmful to the character and appearance of the settlement as a result of the edge of settlement location of the appeal site.

4. At the site visit I noted that the centre of the settlement was characterised by smaller properties and a denser more compact form of development changing to a more spacious and open appearance to the edge.

5. The appeal site represents a gap in the otherwise continuous built form of the settlement that, in the immediate locality of the appal site, includes a range of dwelling and plot sizes, varying in age and appearance.

6. The proportion of proposed development to open garden space on the appeal site does not appear to be dissimilar to many others in the settlement, and in particular with regards to neighbouring properties. Within this context the size and massing of the appeal scheme would not appear as an incongruous feature and consequently would not harm the character and appearance of the area.

7. Therefore, the proposed development is not contrary to Policies DP9 and DP32 of the Hambleton Local Development Framework Development Policies (2008) (DP) and Policy CP4 of the Core Strategy (April 2007) and the Interim Policy Guidance on housing that amongst other matters seek to ensure that new development is in keeping with the surrounding area.

Size of dwellings

8. The proposed development would result in the erection of 2no. 4 bed residential dwellings on the site. Policy DP13 of the DP requires that new developments create or contribute to the creation of a sustainable and inclusive communities, including with specific reference to local need and the size of dwellings.

9. It is the Council's case that, based on the findings of the Hambleton Strategic Housing Market Assessment (2016) (HSHMA), there is a significantly greater need for 2 and 3-bedroom homes than the 4-bedroom properties proposed by the appeal scheme and as such the proposed development fails to provide for locally identified housing needs and is contrary to Policy DP13 of the DP.

10. I have not been provided with a copy of the HSHMA, though the Council has provided an extract that clearly identifies that there is a substantially greater need for 2 and 3-bed properties, with only a modest need for 1 and 4+ bed properties.

11. The Size, Type and Tenure of New Homes Supplementary Planning Document (September 2016) (the SPD) sets targets for new dwelling sizes, though accompanying text states that these will only be sought on open market sites of 25 or more dwellings. Furthermore, I note that Table 7 identifies a clear aspiration among families to move to 4+ bedroom properties.

12. At the site visit I noted that the settlement within which the appeal site is situated includes a range of dwelling sizes but is otherwise supported by few services and transport networks. Furthermore, Policy DP13 includes the requirement that development proposals must take into account "the location and particular physical and environmental characteristics of the site, including its accessibility to local services and transport" and "the characteristics of the existing stock in the locality".

13. Therefore, the proposed development, while not providing dwellings of a size that are in the greatest need, would nonetheless contribute to the creation of a sustainable and inclusive community, meeting a recognised need for housing and taking account of the accessibility to local services and the existing housing stock.

14. As such, I find that the appeal scheme is not contrary to Policy DP13 of the DP and the Size, Type and Tenure of New Homes Supplementary Planning Document.

Other Matters

15. A local resident raised concern that, amongst other matters, the appeal scheme would harm the living conditions of the occupiers of the adjacent bungalow, in particular with regards privacy.

16. I note that in the course of determining the application, amended plans were submitted, amongst a number of changes the large window in the gable elevation facing towards the adjacent bungalow has been replaced with two significantly smaller windows.

17. Furthermore, I saw at the site visit that the existing boundary treatment, including soft landscaping, will afford significant protection to the occupiers of the neighbouring property. Moreover, a condition could be attached to any permission resulting from this appeal requiring the submission of details of the boundary treatment to be erected around the site.

18. Consequently, I find that the proposed development will not adversely impact upon the living conditions of the occupiers of the neighbouring bungalow with particular regards to privacy.

Conditions

19. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the Planning Practice Guidance (PPG); for clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

20. In addition to the standard condition to limit the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. I note that the plans detailed in the schedule of conditions below differs from those in the condition suggested by the Council. Nonetheless I understand that those listed are the correct plans upon which the council based their decision.

21. I have included conditions relating to surface water and sewerage drainage in the interests of the environment. Furthermore, conditions are necessary for the details of external materials and separately for boundary treatments in the interests of the character and appearance of the area.

22. The creation and retention of the access and visibility splays, the creation and retention of parking and turning on the site to enable egress in a forward gear is necessary to maintain highway safety, as is the submission and adherence to a construction method statement

23. The Council has suggested a condition for relating to details to prevent the discharge of surface water on to the highway. However, I consider this to be a duplication of the condition relating to foul and surface water disposal. As such, the suggested condition is unnecessary.

24. I note that the site includes a number of trees, including one protected by a Tree Preservation Order, as such a condition to ensure that appropriate protection measures are undertaken during the construction process is necessary.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

Schedule of 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:
   - 19014–D-00-03 revision C 'Proposed Site - Block Plan/Roof Plan' dated August 2019
   - 19014–D-00-04 revision C 'Proposed Site Layout' dated August 2019
   - 19014–D-00-05 revision C 'The Barn' Plans and Elevations' dated August 2019
   - 19014–D-00-06 revision A 'The House'
   - Plans and Elevations dated August 2019
   - 19014–D-00-07 revision B Street Scene
   - Site Sections dated August 2019

3) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage and surface water 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.

4) No development above ground level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

5) No development above ground level shall take place until details of walls, fences and other means of enclosure have submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings.

6) No development shall commence, except for investigative works or the depositing of material on the site, until the accesses to the site have been constructed in accordance with the published Specification of the Highway Authority and the following requirements:
   i. The crossing of the highway verge shall be constructed in accordance with the approve details and Standard Detail number 50
   ii. Any gates or barriers erected shall not be able to swing out over the existing highway

iii. The final surfacing of any private access shall not contain any loose material that is capable of being drawn onto the existing public highway

All works shall accord with the approved details.

7) The development hereby permitted shall not be occupied until details of a visibility splay for the proposed access have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby permitted. The approved visibility splay shall then be retained thereafter for the life of the development.

8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 19014–D-00-03 revision C 'Proposed Site -Block Plan/Roof Plan' for car parking and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

9) 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. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) wheel washing facilities;

v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

10) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

End of Schedule