



Appeal Decision

Site visit made on 20 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2020

Appeal Ref: APP/C2708/W/19/3237080

Rockwood House, Park Wood Close, Skipton BD23 1QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Firth Developments Ltd against the decision of Craven District Council.
 - The application Ref: 2019/20096/FUL, dated 11 January 2019, was refused by notice dated 13 March 2019.
 - The development proposed is construct 6 no. detached dwellings with associated vehicular access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for construct 6 no. detached dwellings with associated vehicular access and landscaping at Rockwood House, Park Wood Close, Skipton BD23 1QW in accordance with the terms of the application, Ref: 2019/20096/FUL, dated 11 January 2019, and the plans submitted with it, subject to the conditions on the attached Schedule A.

Procedural Matter

2. Since the Council's decision, the new Craven Local Plan (2019) (LP) has been adopted and constitutes the development plan. The Council has identified Policies ENV3 and SP3 as the LP policies most relevant to assessment of the appeal proposal, and the main parties have had opportunity to comment on the application of these policies in relation to the proposal. I will determine the appeal on this basis.

Application for costs

3. An application for costs was made by Firth Developments Ltd against Craven District Council. This application is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

5. The site is located within an area of residential development, which is set around Park Wood Close, Rockwood Drive and adjoining streets, the latter of which include a number of cul-de-sacs. The site is bounded on three sides by

- dwellings, and on the fourth by the street, with dwellings opposite. The site noticeably slopes down from its north-western corner.
6. The area is characterised by a mix of mainly modern detached two-storey houses and bungalows, typically with front gardens of sufficient length to accommodate car parking. The sloping topography and variation in set-backs, orientation and scale of dwellings together contribute to the visual variety of the area. The recurrence of stone construction and front gardens helps to 'knit' together the area's suburban character.
 7. I have had regard to the appeal dismissal decision in September 2019¹, in respect of the previous proposal for six dwellings. Given the relatively recent nature of this decision on the same site as the current appeal scheme, I afford it substantial weight. Compared to the previous scheme, the proposed buildings on plots 1 and 2 are reduced in height and mass from two-storey houses to dormer bungalows.
 8. The proposed bungalow on Plot 2 would have an approximately 'T' shaped footprint. Given the above changes, the following factors would, in combination, help to assimilate Plot 2's bungalow into its setting, and moderate its visual impact on the neighbouring property at No 9 Park Wood Close, including the latter's rear garden. There would be a separation gap of approximately 4m between the front part of the side elevation of Plot 2's bungalow and the boundary with No 9. The separation gap between the bottom end of the proposed bungalow's 'T' shape and the side boundary with No 9 would be between approximately 1m and 2m, increasing to around 7.5m towards the western end of the proposed dwelling. From what I saw during my site visit and the aerial view, the above distances for residential building to side-boundary gap are not unusual for the area. Plot 2's bungalow would have garden space around much of it.
 9. The southern gable end of Plot 2's bungalow would face, and approximately align with, the blank facade of No 9's northern gable end. Furthermore, the removal of the previous substantial high hedge along the appeal site's southern boundary, combined with the location of the proposed development to the north of No 9, are such that the proposal would not significantly reduce light to the latter property.
 10. The above factors would, together, sufficiently reduce the totality of impact identified in the previous appeal decision in relation to outlook from No 9 Park Wood Close, and address the previous concern in respect of impact on No 9's rear garden.
 11. I have also had regard to residents' concerns about the proposal's effect on living conditions of other properties, in respect of outlook, privacy, light and noise pollution. The previous Inspector did not find harm to living conditions in respect of dwellings other than No 9 Park Wood Close, and the current appeal scheme proposes less total built mass than the previously dismissed scheme. The Planning Officer's Report² provides a comprehensive assessment that the current appeal scheme would be acceptable in terms of visual impact and living conditions of neighbouring residents. Moreover, the visual depth and variety provided by the sloping topography of the site and area, and the proposed use

¹ Planning Application Ref: 2018/19747/FUL and Appeal Ref: APP/C2708/W/19/3220508.

² Case Officer's Report to Planning Committee, 11th March 2019.

of stone would help the proposed six-dwelling development to assimilate into its setting. Taking the above together, I find that the proposal would not harm the living conditions of occupiers of other dwellings.

12. I note the Council's view³ that the current appeal scheme does not differ from the previous proposal sufficiently to address the reasons for the previous appeal decision⁴, and that it constitutes overdevelopment which would have an overbearing nature in relation to neighbouring dwellings. Furthermore, I appreciate that residents consider the scheme for four houses on the site - which was granted planning permission⁵ after the Council's decision on the current appeal proposal - to be a 'fair compromise'.
13. Nevertheless, for the reasons described above, I conclude that the proposed development would not appear overbearing or harm the living conditions of neighbouring occupiers. As such it would not conflict with Policy ENV3 of the LP, which, amongst other things, seeks to ensure that development safeguards the living conditions of residents.
14. Policy SP3 of the LP allows for the possibility of some flexibility around density of new housing, subject to efficient use of land. In the light of my above finding, I conclude that the proposal would not conflict with this approach.

Other Matters

15. I note residents' concerns about the effect of the proposal on parking and drainage. Whilst I do not underestimate the importance of the above matters to those involved, there is no substantive evidence which would lead me to conclude that the scheme should be resisted on these grounds.

Conditions

16. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework (the Framework) and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interest of precision, and attached a condition about tree protection.
17. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. Conditions regarding highway works and site access are necessary in the interests of vehicle and pedestrian safety. Conditions regarding construction vehicle access and permitted development rights are attached to safeguard the living conditions of residents. A condition covering drainage is required in the interests of effective drainage. A condition relating to tree protection is necessary to safeguard trees.

Planning Balance and Conclusion

18. The evidence before me indicates that the Council can demonstrate a five year supply of deliverable housing sites, and has a new Local Plan in place to support delivery. As such the tilted balance, as set out within paragraph 11 of the Framework, is not engaged.

³ In the Council's Appeal Statement.

⁴ Ref: as per footnote 1.

⁵ Planning Application Ref: 2019/21049/FUL.

19. The proposal would make efficient use of the land. It would make a modest contribution to local housing supply in the form of six dwellings, with associated socio-economic benefit during and after construction. The above weighs in favour of the proposed development.
20. For the reasons above, I conclude that, subject to appropriate planning conditions, the appeal should be allowed.

William Cooper

INSPECTOR

Schedule A) 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 strict accordance with the following approved drawings: 808-01.001 Location Plan; 808.01-002 Existing Site Plan; 808.01-004 Rev I Proposed Site Plan; 808.01-005 Rev B Block Plan; 808.01-006 Site Sections; 808.01-020 Rev D House Type T1 & T2 Plans & Elevations; 808-01-021 Rev C House Type 3 Plans & Elevations; 808.01-022 Rev D House Types T4 & T5 Plans & Elevations.
- 3) No excavation or other groundworks, except for investigative works or the depositing of material, shall take place on the site until there shall have been submitted to and approved in writing by the local planning authority, in consultation with the highway authority, the following drawings and details: a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing i) the proposed highway layout including the highway boundary, ii) dimensions of any carriageways, footways and verges, iii) visibility splays, iv) the proposed buildings and site layout, including levels, v) accesses and driveways, vi) drainage and sewerage system, vii) lining and signing, viii) traffic calming measures and all types of surfacing (including tactile), kerbing and edging; b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing i) the existing ground level, ii) the proposed road channel and centre line levels, iii) full details of surface water drainage proposals; c) Full highway construction details including i) typical highway cross-sections to a scale of not less than 1:50, showing a specification for all the types of construction proposed for carriageways, cycle ways and footways/footpaths, ii) when requested, cross-sections at regular intervals along the proposed roads showing the existing and proposed ground levels, iii) kerbs and edging construction details, iv) typical drainage construction details; d) Details of the method and means of surface water disposal; e) Details of all proposed street lighting; f) Drawings for the proposed new roads and footways/footpaths, giving all relevant dimensions for their setting out, including reference dimensions to existing features; g) Full working drawings of any structures which affect or form part of the highway network; and h) a programme for completing the works. The measures shall be implemented as approved.
- 4) No movement by construction or other vehicles shall take place between the highway and the site, except for the purposes of constructing the initial site access, until that part of the access(es) extending 10m into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or standard detail number A1 and the published specification of the highway authority. The measures shall be implemented as approved unless otherwise approved in writing by the local planning authority in consultation with the highway authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.
- 5) There shall be no access or egress by any vehicles between the highway and the application site, except for the purposes of constructing the initial

site access, until splays are provided giving clear visibility of 45m measured along both channel lines of the major road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 6) No access or egress by any vehicles between the highway and the site shall take place until there shall have been submitted to and approved in writing by the local planning authority, in consultation with the highway authority, a detailed scheme of precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. This scheme shall include the provision of wheel washing facilities where necessary. The precautions as approved shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and shall be kept available and in full working order and used until such time as the local planning authority, in consultation with the highway authority, agrees in writing to their withdrawal.
- 7) No HCV vehicles shall be brought onto the site until there shall have been submitted to and approved in writing by the local planning authority, in consultation with the highway authority, a survey recording the condition of the existing highway.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision of: a) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b) On-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority, in consultation with the highway authority details of routes to be used by HCV vehicle construction traffic. Thereafter, the approved routes shall be used by all vehicles connected with construction on the site.
- 10) During construction works, the following types of vehicle shall not arrive, depart, be loaded or unloaded at the site on Sunday or a Bank Holiday outside of the hours of 09:00 and 15:00 Monday to Friday and at any time on Saturday: a) Light Goods Vehicles exceeding 3.5 tonnes; b) Medium Goods Vehicles up to 7.5 tonnes; and c) Heavy Goods Vehicles exceeding 7.5 tonnes.
- 11) No dwelling within the development hereby permitted shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme submitted to and approved in writing by the local planning authority, in consultation with the highway authority, before the first dwelling of the development is occupied.

- 12) There shall be no piped discharge of surface or foul water from the development prior to the completion of surface and foul water drainage works, details of which shall have been submitted to and approved by the local planning authority. The site shall be developed with separate systems of drainage for foul and surface water on and off the site. If surface water discharge to public sewer is proposed, the information shall include, but not be exclusive to, the means by which the discharge rate shall be restricted to a maximum rate of 4.5 litres per second.
- 13) During construction, the root protection areas (RPAs), canopies and trunks of trees numbered T1, T2, T3 and T4 on Tree Constraints Plan TC01 Rev B in the Arboriculture Survey Report Revision B, shall be protected by protective fencing and working methods in line with BS5837:2012. No construction activity shall take place within 10m of the trees' RPAs until there shall have been submitted to and approved in writing by the local planning authority an arboriculturally qualified verification of the above protection measures being in place. This protection shall remain in place until after the development works are completed, and no material or soil shall be stored within these fenced areas at any time.
- 14) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E & F of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved shall not be altered or extended, including by conversion of garages into domestic accommodation, and no buildings or structures shall be erected within its curtilage, without first submitting details and receiving written approval by the Local Planning Authority.