



Appeal Decision

Site visit made on 25 June 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/G2713/W/20/3250183

Blue Barn Cottage, Blue Barn Lane, Hutton Rudby TS15 0JH

- 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 Eric McMordie against the decision of Hambleton District Council.
 - The application Ref 19/00912/FUL, dated 22 April 2019, was refused by notice dated 10 January 2020.
 - The development proposed is described as construction of 3 bedroom dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address contained in the heading above is that specified on both the planning application and appeal forms. This differs from the address referred to in the decision notice, which specifies the site as being on 'Middleton Road'. From my site inspection and the submitted site location plan, I am satisfied that both parties refer to the same area of land. For the purposes of this appeal and, in the interests of clarity, I use the address specified in the heading as this is what the appellant submitted and is the address of the host property.

Main Issues

3. The main issues are the effect of the proposed dormer bungalow on:
 - Character and appearance of the area, with particular regard to siting, form and design; and
 - Living conditions of the occupants of neighbouring dwellings, with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site is located within a residential area. This is characterised by the individually designed, single and two storey dwellings set within maturely planted, generous sized plots, which contribute to the distinct sense of space and openness of the area. The appeal site would form a corner plot at the junction between Blue Barn Lane and Middleton Road. By virtue of its siting, the proposed dwelling would be highly visible within the street scene.

5. I observed that the siting of the proposed dwelling would erode the visual gaps that currently exist between neighbouring buildings and which contribute positively to the character and appearance of the area. Furthermore, in terms of siting, it would not relate sufficiently well to the siting and orientation of Blue Barn Cottage nor to The Gables. It would represent a contrived design solution for the site because of the angle at which the proposed dwelling would be set at. Furthermore, the side elevation of the proposed dwelling would follow the chamfered boundary line fronting Middleton Road. In doing so, the built form of the proposal would be far closer to the boundary fronting a highway than what is characteristic of existing properties within the vicinity. Given the significant intervening mature hedgerow, the appeal proposal would not be capable of successfully 'borrowing' the required sense of space from the adjacent wide grassed highway verge to mitigate the effects of the siting proposed.
6. Collectively, this would convey a sense of awkwardness, presenting a cramped arrangement and reducing the area's sense of space and openness. This would be inconsistent with the pattern of development in the area. Although the Council's suggested amendments indicate that an alternative scheme may be possible, judgement of that falls out with the remit of this appeal and so the appellant's arguments in this regard do not justify the imposition of the harm that I have identified.
7. In terms of form and design, the orientation and treatment of the proposal is unlike the surrounding dwellings as the proposal would turn its back on important street scene vistas along both Blue Barn Lane and Middleton Road. This is because these important elevations would present themselves as secondary frontages.
8. Furthermore, these elevations would be unduly dominated by the proposed front and rear roof dormers. These differ in terms of their heights relative to the ridge level, design, form and proportions. Indeed, the gable elevation facing Middleton Road, would present both dormer styles simultaneously. The rear roof plane would be unduly dominated by the proposed box dormer and two roof lights. This would lead to a highly visible, cluttered and imbalanced roofscape. The ground floor section of these elevations would be largely obscured by the mature hedgerow. Nonetheless, in terms of form and design the visible roofscape would be an incongruous feature within the street scene and the appeal proposal would fail to successfully turn this prominent corner.
9. The existence of a variety of house styles and dormer designs was observed. However, the differing styles of dormer did not present themselves in an equivalent simultaneous manner to the appeal proposal. Therefore, their existence would not justify the imposition of the harm that I have identified. Although I do not find any harm in terms of resulting plot sizes, the pursuit of a bespoke design, finished height, scale and materials of construction proposed, these do not in any way mitigate the harm which I have identified in terms of siting, form and design.
10. Thus, the appeal proposal would be discordant with and erode the important positive characteristics of the area. This would impede the ability for the proposal to integrate successfully into the street scene. Therefore, I find that the appeal proposal would be significantly harmful to the character and appearance of the area, with particular regard to siting, form and design.

11. Policy CP1 of the adopted 'Hambleton Local Development Framework Development Plan Document Core Strategy' states that proposals will be supported if they protect and enhance the distinctiveness, character and townscape of a settlement. Policy CP17 gives support to proposals which respect and enhance the local context. Policy DP10 of the associated adopted 'Development Plan Document Development Policies' requires developments to respect the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. Policy DP32 requires the highest quality of design for buildings and that they respect local character, settings local identity and distinctiveness. Furthermore, that policy states that developments should also respect the scale of spaces and buildings in the area. In view of the significant harm to the character and appearance of the area that I have identified, I find conflict with these development plan policies.

Living Conditions

12. In terms of living conditions, I observed that separation distances would fall short with the conservatory located at the side of a neighbouring property known as The Gables. However, the existing intervening hedge along the party boundary is substantial in terms of height and density and formed an effective mutual privacy screen between properties. From the evidence provided, this hedge falls beyond the appeal site and, that being the case would fall within the control of the occupier of The Gables. Should the hedge ever be removed by the owner, I am satisfied that there would be scope for the occupant of the appeal proposal to erect a means to safeguard their own privacy, without worsening the existing living conditions experienced from that conservatory.
13. Policy DP1 states that developments must not unacceptably affect the amenity of residents or occupants. In the absence of harm, the appeal proposal would accord with this development plan policy in this regard.

Other Matters

14. The Council has not disputed the provision of this additional dwelling within the settlement in terms of accessibility to services and capacity of utilities. From the evidence before me, I have no reason to disagree with the Council's stance in these regards.
15. I note that the Council has not raised any objection to the re- establishment of a previous access off Blue Barn Lane to serve the host property. From the evidence before me and my site inspection, I have no reason to disagree. Furthermore, I am satisfied that adequate parking provision could be achieved within the redefined curtilage of Blue Barn Cottage accordingly.
16. I find no conflict with the development plan in any of these regards.

Conclusion

17. Given the harm that I have identified and subsequent conflict with the development plan when read as a whole, I conclude that this appeal should be dismissed.

C Dillon

INSPECTOR