



Appeal Decision

Site visit made on 30 June 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/G2713/D/20/3249276

Malham Cottage, Back Lane, Easingwold, North Yorkshire YO61 3BE

- 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 Mrs Mary Hole against the decision of Hambleton District Council.
 - The application Ref 19/02245/FUL, dated 18 October 2019, was refused by notice dated 6 January 2020.
 - The development proposed is described as infill existing gated workshop/storage area to create ground floor living / bedroom with wet room / WC and storage area for bins and mobility scooter. Add pitched canopy with matching pantiles to protect front door entrance.
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Decision

1. The appeal is allowed and planning permission is granted for infill existing gated workshop/storage area to create ground floor living / bedroom with wet room / WC and storage area for bins and mobility scooter. Add pitched canopy with matching pantiles to protect front door entrance at Malham Cottage, Back Lane, Easingwold, North Yorkshire YO61 3BE in accordance with the terms of the application Ref: 19/02245/FUL dated 18 October 2019 and the drawings Location Plan, Proposed Elevations dated October 2019 and Proposed Floor Plans dated October 2019 and 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: Location Plan, Proposed Elevations dated October 2019 and Proposed Floor Plans dated October 2019.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. Part E of the appeal form states that the description of development has not changed from the application form but, nevertheless, a different wording has been entered. This revised wording is reflected in the decision notice of the Council and given its use by both parties I have used the revised description in

the banner heading above, as it more succinctly and accurately describes the proposal.

3. The appellant has questioned whether the proposed development requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are i) whether the proposed development would preserve or enhance the character or appearance of the Easingwold Conservation Area and ii) the effect of the proposal on highway safety including whether car parking arrangements would be acceptable.

Reasons

5. 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). Policies DP28 and DP30 of the Hambleton Local Development Framework, Development Policies 2008 (LDFDP) and Policy CP16 of the Hambleton Core Strategy 2007 (CS) seek to, amongst other things promote good design that preserve or enhance conservation assets within the district.
6. The appeal property is located towards the northern end of the Easingwold Conservation Area (CA) on Back Lane. The immediate surrounding area is characterised by attractive development of predominantly two storey houses. Properties on the eastern side of back lane are mews style cottages set close to the road behind small areas of hardstanding or block paving. The western side of the road is less densely developed with larger semi-detached and detached properties set back from the road in individual plots. The limited material palette of red brick, slate and clay pan tiles and relatively simple architectural form of the buildings provide a relatively uniform appearance that contributes to the overall character of the CA.
7. The appeal property is a two storey mews cottage with an integral workshop/garage space which occupies around half of the ground floor and runs the full depth of the property. It has an arched opening with timber double doors. There is a block paved/cobbled area which runs along the front of the property. The appellant submits that the space is currently utilised as a store and workshop rather than garaging.
8. The appeal proposal would see the conversion of the integral workshop/garage space into living space and storage and the construction of a small open canopy above the front door. The existing timber garage doors would be replaced with bi-folding doors of a similar style to the existing doors and to the rear of the property the arched opening would be infilled with brickwork and a pair of patio doors. The main parties agree that the physical alterations proposed would of have a minimal impact on the visual appearance of the street scene on this application and are not considered to detract from the character and appearance of the conservation area. Based on the information before me, I would not disagree with this view.

9. Notwithstanding the above, the Council has raised concerns about the loss of the integral parking space (within the existing workshop/garage area) in the context that the loss of the off-street parking at the property would lead to cars parking on the highway. The Council considers that this would have a detrimental impact on the CA thus causing harm to the heritage asset.
10. Whilst I appreciate that a site visit represents only a snapshot in time, I saw during my site visit that paved area in front of the property provides sufficient parking for one car, indeed, a car was parked there during my visit. This arrangement was repeated along the length of the street, particularly on the eastern side of the road. On the western side of the road cars were predominantly parked within the curtilage of the properties on driveways or at the roadside. I noted that even with the presence of cars on the roadside, the street did not appear cluttered and it was still possible to experience the CA as an attractive location. Consequently, I consider that the minimal displacement car parking resulting from the development would have a neutral impact on the area and therefore the character and appearance of the CA would be preserved.
11. Accordingly, I conclude that the proposal would comply with the requirements of Policies CP16 of the CS and DP28 and DP30 of the LDFDP. Collectively, these policies seek to ensure developments are of a good quality design that protect and promote the special qualities, character and distinctiveness of the local area including the CA and buildings of architectural or historic importance.

Highway safety and car parking

12. The appeal property currently has an integral workshop/storage space that has the potential to provide one off-street parking space however, based on the information before me and from what I saw on site, the space is relatively small and is currently used as storage rather than parking. Nonetheless, even if it were utilised for off-street parking, its redevelopment would only lead to the displacement of one vehicle. There is a further area of paving to the front of the property with sufficient space for one car. It is not clear whether this space is in private ownership but based on the fact that there are a number of different hard standing materials along this side of the street it would appear that these small, areas to the front of the houses are not adopted and are utilised as private parking.
13. From what I saw during my site visit there are no parking restrictions along either side of the street within the immediate vicinity of the appeal property and whilst there were some cars parked on either side of the road, there was still sufficient space to park with plenty of space for vehicles to pass in-between. Furthermore, I noted the presence of a public carpark around 150 metres south of the appeal property.
14. Policy DP3 of the LDFDP and CP1 of the CS relate to site accessibility and require that, amongst other things, new development includes, where appropriate minimum levels of car parking commensurate with road safety. I have not been provided with any guidance which would suggest what an appropriate level of carparking would be in this instance. Nonetheless, it cannot be ignored that this is an existing residential property rather than a new development.

15. Therefore based on the small scale of the proposal and the likely displacement of one parking space, I am satisfied that the appeal proposal would not lead to an unacceptable increased demand for on street parking to such an extent that it would have an unacceptable highway safety impact or lead to congestion or on-street car parking demand concerns. Therefore, I conclude that the proposal would accord with the accessibility and highway safety requirements of CS Policy CP1 and LDFDP Policy DP3.

Other Matters

16. The appeal property is close to Cadogan House, which is designated as a Grade II listed house noted for its late C18 and C19 architectural detailing. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, given the very limited nature of the external alterations I consider that the setting of the Listed Building would be preserved and the proposal would not detract from it. I note that the Council does not raise any concerns in this regard.

Conditions

17. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
18. In the interests of safeguarding the character and appearance of the area, I have also imposed conditions relating to the submission of materials.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Hunter

INSPECTOR